United Nations S/PV.5318

Security Council

Sixtieth year

Provisional

5318th meeting

Friday, 9 December 2005, 10 a.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Tarrisse da Fontoura
	China	Mr. Li Song
	Denmark	Mr. Rehfeld
	France	Mr. De Rivière
	Greece	Ms. Boura
	Japan	Mr. Nakata
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Denisov
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mr. Brencick

Agenda

The situation in Côte d'Ivoire

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-63399 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

The President: I should like to inform the Council that I have received a letter from the representative of Côte d'Ivoire in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Bailly-Niagri (Côte d'Ivoire) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of the members of the Council to document S/2005/768, containing the text of a letter dated 8 December 2005 from the Secretary-General addressed to the President of the Security Council.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council welcomes the appointment of Mr. Charles Konan Banny as Prime Minister of Côte d'Ivoire, and expresses its full support for him. It also commends the continued and decisive efforts of Presidents Olusegun Obasanjo, Thabo Mbeki and Mamadou Tandja, and reiterates its full support for them.
>
> "The Security Council endorses the final communique of the International Working Group (IWG) of 6 December 2005. It recalls the IWG's previous final communiqué of 8 November which stated in particular that the fundamental basis of the peace and national reconciliation process is enshrined in resolution 1633 (2005) and that the IWG will provide all necessary support to the new Prime Minister and the Government that he will establish. The Council also reaffirms its support for the decision of the African Union Peace and Security Council, which stresses that the Ministers shall be accountable to the Prime Minister who shall have full authority over his Cabinet.
>
> "The Security Council recalls and reaffirms that the Prime Minister must have all the necessary powers and resources described in resolution 1633 (2005), and stresses the importance of the full implementation of this resolution by the Ivorian parties under the monitoring of the IWG. Therefore, the Security Council urges the establishment without delay of the Government so that the Prime Minister can implement as soon as possible the road map defined by the IWG, and requests the Mediation Group and the IWG to monitor this matter closely.
>
> "The Security Council reiterates its full support for the Special Representative of the Secretary-General and the High Representative for the elections."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2005/60.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.15 a.m.

United Nations S/PV.5319

Security Council

Sixtieth year

Provisional

5319th meeting

Friday, 9 December 2005, 10.15 a.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	Denmark	Ms. Løj
	France	Mr. Vandeville
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Gatan
	Romania	Mr. Motoc
	Russian Federation	Mr. Rogachev
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Scott

Agenda

The protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2005/740)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-63417 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2005/740)

The President: I should like to inform the Council that I have received letters from the representatives of Canada, Egypt, Germany, Iraq, Italy, Liechtenstein, Mexico, Nepal, Norway, Pakistan, Peru, Qatar, the Republic of Korea, Slovakia, South Africa, Spain, Switzerland, and Uganda in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: On behalf of the Council, I extend a warm welcome to His Excellency Mr. Alfredo Mantica, Deputy Minister for Foreign Affairs of Italy.

In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Egeland to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross.

It is so decided.

I invite Mr. Forster to take a seat at the Council table.

The Security Council will now begin its consideration of the item on the agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2005/740, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

At this meeting the Council will first hear a briefing by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Egeland: Sixty years ago, the nations of the world came together to save succeeding generations from the scourge of war. We should now assess how effective we have been in our efforts to shield civilians from the horrors of armed conflict in situations where States have proved unable or unwilling to fulfil their primary responsibility to do so. Let me start with some positive observations.

It has now been six years since the first report of the Secretary-General on the protection of civilians in armed conflict was presented to the Council, and six years since the adoption of the Council's first thematic resolution on the protection of civilians. Over that period, we have witnessed some significant improvements in the protection afforded to civilians.

First, the Security Council's more systematic and sustained engagement on protection-of-civilians issues has had an impact. The Council's expansion of peacekeeping mandates to encompass a range of protection measures — such as the physical protection of civilians under imminent threat of physical violence, programmes for the disarmament, demobilization and reintegration (DDR) of combatants and measures to protect displaced populations and returnees — has been an extremely important development. The evolution of protection elements in mandates has resulted in a more effective approach by peacekeeping missions to protection issues. The adoption by the Council of robust peacekeeping measures in Ituri, in

the Democratic Republic of the Congo, for example, had an obvious impact on the ground. Moreover, the Security Council's sharpened focus on key protection concerns draws global attention to those issues and reinforces a stronger culture of protection.

Secondly, the enhanced engagement by regional and subregional organizations has made a real difference on the ground, as demonstrated by the African Union's appointment of a special representative, the timely deployment by the European Union of its rapid reaction forces to Ituri, the deployment of the Economic Community of West African States' Mission in Liberia (ECOMIL) and the African Union's deployment of its peacekeeping mission in Darfur. It is critical that the necessary financial and other support be provided to regional and subregional organizations to enable them to effectively contribute to the protection of civilians in armed conflict.

Thirdly, we have seen strengthened humanitarian assistance and response by United Nations agencies and non-governmental organizations to the needs of civilians in conflict. That humanitarian action has helped to reduce conflict-related deaths, including death through malnutrition and disease, and to shield innocent children, women and men from some of the worst side effects of armed conflict. There is an important connection between protection and humanitarian action, and agencies have become increasingly aware of the protection aspects of humanitarian relief. We in the humanitarian community must continue to strengthen our capacities to respond where we have the access to do so.

Fourthly, an increasing number of countries have signed and ratified the relevant international legal instruments. In September last year, more than 30 States took more than 100 treaty actions during the 2004 treaty event on the protection of civilians. Yet, it is disturbing to note that only 13 of the 26 countries in which there is currently an armed conflict are party to Additional Protocol II to the Geneva Conventions. Additional Protocol II is most relevant to the non-international conflicts with which we are mostly confronted, and its importance must be fully appreciated.

I also wish to underline the importance of the continuing work of the International Committee of the Red Cross — which is represented in this meeting — in promoting the key instruments of international humanitarian law, and I pay tribute to its work in that core area of its mandate. I would also like to congratulate the Red Cross and Red Crescent Movement for the historic agreement on a third protective emblem.

Finally, efforts to deter war crimes, crimes against humanity and genocide and efforts to break the prevailing culture of impunity in situations of armed conflict have been boosted by the establishment of the International Criminal Court. The Court's investigations in Uganda, the Democratic Republic of the Congo and the Darfur region of the Sudan, as well as the indictments already issued, should provide hope to the traumatized civilian populations in those countries and elsewhere that the unconscionable crimes committed against them will not go unpunished.

Improving the situation for civilians in armed conflict requires continuous engagement by the relevant Governments, the Security Council and the providers of humanitarian assistance and protection. Despite the progress I have just outlined, however, that engagement is too often inadequate, and grave areas of concern persist.

Stark and disturbing evidence that civilians continue to bear the brunt of armed conflicts has emanated from a broad range of conflicts over the past six years. In too many instances, civilians have been subjected to extreme violence. Indeed, our greatest challenge is how best to address the unconscionable acts of sexual and other forms of physical violence perpetrated against civilians. Forced population displacement has continued to be either a by-product or a deliberate strategy of warfare. Continued long-term conflicts have eroded social support structures. A prevailing culture of impunity has continued to spur cycles of violence and criminality. Millions of people have been denied life-saving humanitarian assistance. In many situations, humanitarian actors have been operating in a less secure environment, where deliberate attacks have been steadily increasing.

I would like to address some of those key protection concerns in more detail and to draw on current situations to illustrate those concerns.

Over the past six years, civilians have continued to bear not only the devastating side effects of armed conflict, but often have been deliberately targeted by parties to conflict, both non-State actors and

Government military forces alike. It is alarming that, in some situations, the very structures that should protect civilians — the military and law enforcement authorities — are, instead, committing violent crimes. In some areas — in Côte d'Ivoire, for example — Government-controlled militias and Force nouvelles troops have both been responsible for killings, rapes and other human rights violations. In some parts of the Democratic Republic of Congo, the joint military forces and armed groups linked to the Government have attacked villages and carried out extortion, looting and kidnapping for ransom. Perhaps most disturbing is the widespread sexual violence and abuse of women and girls. The problems caused by having 50,000 unpaid soldiers demonstrate the long-enduring legacies of armed conflict. Stronger action to restore and build the capacity of law enforcement and justice systems is critical.

Improving the security situation in the longer term requires firmer action in relation to disarmament, demobilization, reintegration and rehabilitation (DDRR). Lack of adequate and sustained funding for DDRR activities should not become the reason for which fragile countries slip back into conflict. The provision of economic and social support to local communities that shoulder the burden of providing reintegration assistance is crucial. We must ensure that all children and women associated with armed forces and groups, as well as issues related to women and children, are systematically included in every DDRR process. The high prevalence of small arms, light and easy even for a child to use, perpetuates that cycle of violence. We need to adopt and implement firm measures to combat the proliferation of small arms and light weapons, to control and reduce the illicit traffic in those weapons, including at the local level, and to involve ex-combatants and local communities, in particular women, in the collection and destruction of small arms and in demining.

Two years ago, I gave my first briefing to the Council on the grave situation in northern Uganda. Sadly, widespread physical violence, including night attacks on villages and camps, killings and forced recruitment, remain just a few of the perils still faced by civilians, particularly children, in northern Uganda. For children abducted and recruited by the Lord's Resistance Army, adequate resources to allow for appropriate reintegration are needed urgently, particularly to help girls deal with their serious reintegration challenges.

Efforts by peacekeeping missions to provide physical security for civilians under imminent threat of physical violence need to be augmented by concrete measures to facilitate a secure environment more generally. It is vital that multidimensional peacekeeping missions work to improve the overall security situation. Working closely with the African Union and other regional and intergovernmental organizations towards that objective is crucial.

Violence directed against civilians continues to trigger high levels of population displacement. More than 50 per cent of the world's 23 million displaced are found in just three countries: the Sudan, Uganda and the Democratic Republic of the Congo. There is now a danger that long-term displacement in Darfur will become entrenched, with a real risk of compounding an already desperate situation. We must not allow Darfur to become tomorrow's northern Uganda, where over a generation of displacement has resulted in exploding mortality rates and eroded social structures.

Normal life is foreign to an entire generation. Long-term displacement is pernicious. Long-term displacement kills. It kills people. It kills societies. We must make every effort to speed the return of people to their normal lives. Security measures in northern Uganda must not add to the suffering of the civilian population, and while people remain displaced, they must be able to engage in economic activity and maintain their capacity to return to normal lives and livelihoods. That requires increased commitments from both the humanitarian and the donor communities, as well as a commitment from the Government to implement its own policy on the internally displaced.

The displacement of populations is not necessarily linked to camps. Equally difficult challenges exist when those who have been displaced are merged with local communities, which then must bear the main burden. In Côte d'Ivoire, for example, the majority of the 500,000 people displaced live with host families and therefore easily fall outside safety nets and beyond the reach of humanitarian organizations. The host families face economic difficulties that, combined with the climate of impunity, have led to sexual exploitation, prostitution and forced child labour. Immediate action is needed in

order to avert a further deterioration in the situation in Côte d'Ivoire.

Obstructed or restricted humanitarian access remains a key concern in most conflict areas around the world. Poor security is tantamount to denying access. I wish to recall the Security Council's statement in resolution 1296 (2000) concerning the need for all parties, including non-State entities, to cooperate fully with the United Nations humanitarian coordinator and the humanitarian agencies in providing access. To facilitate such access, based on the support of the Council, my office will soon launch a manual on humanitarian negotiation with non-State actors in armed conflict. Humanitarian workers must be able to negotiate with all actors with influence or control over territory in which populations are in need of assistance and protection. In line with the humanitarian principles of neutrality, impartiality and independence, such negotiations will in no way imply recognition or legitimization of the non-State actor concerned.

Humanitarian personnel increasingly find themselves exposed to threats, violent attacks, kidnappings for ransom and ambushes. In the month of October alone, 10 humanitarians were killed in northern Uganda and the Sudan, while in Afghanistan, five medical aid workers were killed and three seriously wounded when their vehicle was attacked. Statistics from the United Nations Department of Safety and Security reveal startling increases in incidents against United Nations personnel over the past 12 months. Assaults, for example, have increased from 120 in 2004 to 407 in 2005, and kidnappings have increased from two to 20. Incidents of harassment and delays at checkpoints in the occupied Palestinian territories have numbered in the thousands every year. We hope that the United Nations role in tracking progress in the implementation of the recent Israeli-Palestinian Agreement on Access and Movement will have a positive impact on overall access and freedom of movement there.

As the Security Council has consistently stressed, all parties must guarantee the safety, security and freedom of movement of United Nations and associated personnel, as well as personnel of humanitarian organizations. In that connection, I welcome the General Assembly's adoption yesterday of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. The new Protocol expands the application of the Convention to the implementing partners of the United Nations agencies — those delivering humanitarian, political or development assistance in peacebuilding or delivering emergency humanitarian assistance. I urge the Council's support in promoting the ratification of the new Protocol and the Convention itself, which to date has received only 79 ratifications.

A humanitarian response cannot be effective without adequate security conditions and a safe and secure operating environment. How much can 13,000 humanitarian workers in Darfur achieve, for example, when their movements are restricted due to threats, harassment and attacks? The mere presence of aid workers in the region does not ensure assistance and protection.

The presence of aid workers should therefore never be used as an alibi to camouflage the absence of genuine efforts to find lasting political solutions. Year in and year out, we are unable to undertake adequate humanitarian programmes in severe emergencies because no coherent and systematic attempts are made to end the conflict. We become an expensive plaster on an open, unhealed wound. The band-aid approach costs lives and ultimately costs the international community dearly in both moral and financial terms. Many violent conflicts have persisted for years on end without sufficient efforts devoted to peacemaking, and they become more complex and difficult to resolve with each passing day, as we have seen in Somalia, Côte d'Ivoire and northern Uganda. The colossal toll on the civilian population and the many wasted opportunities for peace become tragically clear in hindsight. In northern Uganda, for instance, it would have been unthinkable several years ago that we would allow tens of thousands of children to be mutilated, killed, raped, tortured, abducted and forcibly recruited. The conflict in northern Uganda has obvious regional dimensions, with the Lord's Resistance Army (LRA) crossing the borders into southern Sudan and the eastern part of the Democratic Republic of the Congo, disrupting return efforts, interrupting aid efforts and destabilizing the region.

The broad international support for the peace process in southern Sudan is now, at long last, allowing refugees and displaced persons to return to their home communities. For how much longer can we tolerate the inadequacy of the resources given to resolving the conflict in northern Uganda? That conflict that has gone on for 19 years, with minimal resources allocated

to peacemaking. A solely military solution there is not possible. Efforts to end the violence and to secure the safety of the population through negotiations must be dramatically strengthened. We cannot but applaud courageous individuals such as Mrs. Betty Bigombe, who continues to try to find ways to engage with the LRA in order to save lives and explore opportunities for peace, despite inconsistent financial and political support. At the same time, the Government of Uganda must do more to fulfil its responsibilities to its people in the north.

We now have an opportunity to finally put the Secretary-General's good offices and mediation capacity on a more robust and professional footing, as supported by the 2005 world summit. Mediation efforts have for too long been a missing link. We need increased and predictable mediation efforts that ensure that the protection concerns of the population are taken into account. We must make the world summit's commitment to peacemaking and mediation an early reality, and we must prioritize peacemaking efforts where there are serious humanitarian consequences.

The Secretary-General, in his recently released report on the protection of civilians in armed conflict (S/2005/740), provides a five-year perspective on the changing environment of conflict. As I conclude, I would like to underscore three of the recommendations for action contained in that report, which is before the Council today.

First, the current framework needs to be updated to reflect the current environment of conflict and the latest developments and best practice in providing protection to civilians in armed conflict. Five years after the previous resolution on the protection of civilians, we need a new resolution to guide our future work. I thank the United Kingdom presidency for its role in facilitating negotiations on a new resolution, and I urge the Council to ensure that the strongest possible language is adopted. The eyes and ears of the world community, including human rights and humanitarian workers, are on the Council. This is not a time to weaken our joint resolve to protect those who need protection most.

Secondly, we need to improve the collation of empirical data for both situation-specific and global trend analysis to facilitate the Council's deliberations and decision-making. It is important that the Council be properly informed about the nature and extent of protection needs in countries of concern so that its response can be better tailored to the specific needs of the population. To this end, I welcome the efforts that have been made in the Sudan and in the Democratic Republic of the Congo to establish incident-reporting systems, and I would encourage such systems to be established in other countries of concern. My office has already initiated links with academic institutions in order to gain a better understanding of global trends and to inform future reports to the Council.

Thirdly and finally, as I said earlier, much more emphasis and support needs to be devoted to peacemaking, and all peacemaking efforts must reflect the protection needs of the civilian population. Those involved in peacemaking and mediation efforts are the natural partners of the humanitarian community in ensuring that the impact of conflict and violence comes to an end. This partnership must now be reinforced so that we can more effectively address the protracted suffering of civilians in armed conflict.

The conflict situations that I have touched upon have serious regional consequences and constitute a possible threat to international peace and security. The conflict in northern Uganda, for instance, is now a regional problem and a threat that, in my view, the Security Council needs to address more systematically. I hope to be able to return to some of those issues in more detail in my forthcoming briefing on the humanitarian situation in Africa.

The effective protection of civilians in situations of armed conflict requires stronger partnerships that systematically identify the various protection needs of civilians and who is best placed to address them. It requires sustained focus and a commitment to continually review the effects of security measures on the civilian population and to take measures to mitigate them. All of us — Governments, neighbouring States, regional organizations, the Security Council, peacekeeping missions and the humanitarian community — have an important role to play. I look forward to my continued engagement with the Council on this important issue in order to further enhance cooperation and strengthen measures to protect those who most need our help.

The President: I thank Mr. Egeland for his briefing. I would also like to thank him, on behalf of the Council, for his leadership of the Office for the Coordination of Humanitarian Affairs.

The Council will now hear a briefing by Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross.

Mr. Forster: I would like to thank you very much, Mr. President, for having given me this opportunity to address the Security Council on an issue — the protection of civilians in armed conflict — that is at the core of the mandate and operational priorities of the International Committee of the Red Cross (ICRC).

In contemporary conflicts civilians are often the victims of the deliberate disregard shown by bearers of weapons for the strict obligation that they have under international humanitarian law to spare those not taking part in hostilities. Unarmed men, women and children are intentionally targeted for what they are.

The lack of political will to fully respect humanitarian law and other applicable rules remains the main impediment to protecting civilians in times of armed conflict. The prime responsibility for providing protection and solutions falls upon State authorities and all those who bear weapons. Humanitarian endeavours like those of the ICRC can never be a substitute for political action.

Article 1 common to the four Geneva Conventions clearly stipulates that States have an obligation not only to respect but also to ensure respect for international humanitarian law in all circumstances. That duty encompasses measures ranging from purely preventive action to the repression of serious violations of humanitarian law.

The ICRC has a duty to act on behalf of all persons affected by armed conflict and other forms of violence, without distinction. However, it takes into account specific vulnerabilities and needs, such as those of internally displaced persons, women, missing persons and their families, and children, with regard to whom the Security Council so strongly expressed its deep concern in the recent past.

The plight of internally displaced persons is of primary concern to the ICRC, whose priorities in this area centre mainly on challenges such as how to prevent displacement, how to alleviate the suffering caused by displacement once it has occurred, where and how to relocate internally displaced persons, how to take into account the needs of the resident population in areas hosting such persons and how to ensure security and protection for returnees.

The ICRC is convinced that enhanced cooperation is crucial to addressing the protection needs of internally displaced persons. Its efforts to coordinate with other humanitarian actors in this area are reality-based and action-oriented. We also believe that it is extremely important for humanitarian organizations to work in a complementary manner. That approach has sometimes led us to focus on preventing displacement, particularly in remote areas, and might lead us to do so again.

In times of armed conflict, women are the victims of various forms of violence due to violations of international humanitarian law. Many are wounded or killed. Others are marginalized and suffer anguish and deprivation after losing or being separated from family members. Sexual violence is all too often used as a weapon of war, targeting not only women, but through them the entire community. It is indeed one of the most difficult issues for humanitarian organizations to address. The social repercussions of rape are totally devastating for women if the community responds by stigmatizing the victim rather than by prosecuting the perpetrator.

Another issue to which I would like to refer is that of the plight of countless families whose relatives have gone missing as a result of armed conflict. These families make desperate attempts to ascertain the fate of their loved ones and are often unable to overcome their pain and rebuild their lives again, even years after the events. Any infringement on their right to know what happened to their relatives hampers reconciliation and peace efforts. The authorities must spare no effort to prevent people from disappearing and to deal with the consequences when they do. The ICRC takes a comprehensive approach to this issue, endeavouring to make a decisive contribution by carrying out preventive activities, visiting detained persons, advocating for and taking part in mechanisms to discover the fate of missing persons, promoting forensic activities and the return of human remains and also — last but not least — providing support to families.

To build acceptance, establish dialogue and play its humanitarian role effectively, the ICRC believes that it must continue to be, and be seen to be, neutral and independent. While recognizing that there are other

approaches to humanitarian action, we believe that neutral and independent humanitarian action has a clear added value for the protection of civilians in times of armed conflict and that it is essential to avoid the misperception that political, military and humanitarian actors all pursue the same objectives. Building trust and acceptance among all the parties to a conflict is an arduous undertaking. Such trust and acceptance may be rapidly destroyed, with lasting consequences, if doubts arise as to the independence of a humanitarian actor.

Let me conclude by stressing how important it is for the international community to prevent armed conflict and to support actions aimed at addressing its underlying causes in an effective and sustainable manner, thereby making the renewal of hostilities less likely. The adoption yesterday, by a diplomatic conference, of the Third Additional Protocol to the Geneva Conventions, whereby an additional emblem will be created, is a very important step that will enable the International Red Cross and Red Crescent movement to achieve universality at last, and thus protect civilians in armed conflict more efficiently.

The President: May I, on behalf of the Council, thank Mr. Forster and the ICRC for all the work that they do.

In accordance with the understanding reached among Council members, I would urge all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with longer statements are kindly requested to circulate the texts in writing and to deliver a condensed version when actually speaking in the Chamber.

As agreed in prior consultations, I intend to follow an alternating speaking arrangement, giving the floor to groups of three Council members and then alternating with the same number of non-Council-members. Procedurally, I will not invite speakers individually to take their seats at the Council table, nor will I invite them to take their seats afterwards at the side of the Council Chamber. While members of the Council are speaking, the conference officer will seat the next group of non-members at the Council table.

Mr. Mayoral (Argentina) (*spoke in Spanish*): First of all, my delegation would like to thank you, Mr. President, for convening this open debate on the protection of civilians in armed conflicts. At the same time, we would like to express our thanks to the Secretary-General for his fifth report on this subject, as well as for the valuable recommendations contained therein.

We also wish to thank and congratulate the Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his introduction of the Secretary-General's report as well as the Vice-President of the International Committee of the Red Cross, Mr. Jacques Forster, for his presentation before this Council.

The Security Council is considering a new resolution on the protection of civilians in armed conflicts, five years after the adoption of resolution 1296 (2000). In spite of the positive impact of this rule and its immediate predecessor, resolution 1265 (1999), the years since then have been marked by a truly disturbing situation with respect to this subject. We understand that the Security Council, facing the new challenges that this situation brings, must adjust and improve the existing tools.

As we have previously stated before this Council, there is no national security issue that can prevail over the primary obligation of all States to fulfil the rules of international humanitarian law contained in the Geneva Conventions and their Additional Protocols. The international community cannot and must not remain indifferent when atrocities are committed against civilian populations. In such circumstances where national legal systems fail, the international community must not remain inert; it must assume its responsibility. This is why the International Criminal Court was created, in Rome. The Court has a fundamental role to play — to prosecute those who perpetrate crimes not judged domestically.

In expressing our condemnation of the damaging and generalized consequences of armed conflicts on civilians, we cannot ignore the particular way that armed conflicts affect women, children and other vulnerable groups. In this respect, in our opinion, the implementation of resolutions 1325 (2000), on women, peace and security, and 1539 (2004) and 1612 (2005), on children in armed conflict, as well as other relevant standards of this Council, must continue to be developed in depth.

The attacks against civilian populations or other protected persons and the systematic, manifest and generalized violations of international humanitarian

law and international law regarding human rights in armed conflict situations are a threat to international peace and security and require adequate consideration and response from the international community. In this context, we would like to recall that this Council has expressed its willingness to examine from this perspective those situations that affect refugees and internally displaced persons and to adopt, when necessary, adequate measures to contribute to the establishment of a secure atmosphere for civilians threatened by conflicts, as well as to consider the advisability and feasibility of establishing provisional zones and corridors of security to protect civilians and guide humanitarian assistance.

The secure and unhindered access of humanitarian personnel, including those recruited locally, to places where armed conflicts are taking place, is essential. States affected by conflicts, as well as neighbouring States, must cooperate with the United Nations in facilitating such access.

In the broad context of this debate, it seems to us opportune to recall the agreement reached at the recent High-level Plenary Meeting with respect to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, taking into consideration the individual responsibility of States and the international community as a whole to act in those cases through the United Nations, including the Security Council.

With respect to the special situation of the vulnerability of refugee camps and internally displaced people, it is our understanding that the Council should, in certain cases presenting a special threat, consider the deployment of a peacekeeping presence, including regional forces, when the State concerned is not in conditions to provide such protection.

The Council must continue to develop the tools that it has at its disposal to face the needs deriving from the new conflicts, which affect the security and the well-being of civilian populations. In that context, we underline the importance of supporting the peacekeeping, peacebuilding and political missions of the Organization by means of mandates that take into consideration the needs deriving from the protection of civilians in conflict and post-conflict situations.

Furthermore, it is important that States and forces that participate in peace processes and agreements should take specific measures for the protection of civilians and their rights in the post-conflict situation, including both their physical security and the various aspects of the restoration of the rule of law.

Finally, we support the proposal of the Secretary-General for the Security Council to update the existing framework for the protection of civilians through a mechanism for collecting information concerning the protection of civilians and for reporting protection incidents in the countries whose situations are on the Council's agenda, especially those countries that have been the site of intensive military operations, with the aim of achieving a greater focus on the issue of the protection of civilians in the Security Council's work and deliberations.

Mr. Sardenberg (Brazil): I thank you, Mr. President, for promoting this open and timely debate on the protection of civilians in armed conflict, which is one of the most challenging issues the international community confronts. I would like to express my delegation's appreciation to Under-Secretary-General Jan Egeland for his thought-provoking briefing, as well as to Mr. Jacques Forster for his very interesting and precise contribution to our debate this morning. Brazil is fully aware of the indispensable and neutral humanitarian work performed by the International Committee of the Red Cross in this area of high concern.

Years have elapsed since the adoption of Security Council resolutions 1265 (1999) and 1296 (2000), which underlined our profound concerns at the plight of the civilian victims of armed conflict. Since then, the Council has dealt with the issue of the protection of civilians not only within its regular thematic debates but also in tackling country-specific situations.

In the course of our discussions, much has been said about the nature of contemporary warfare and its heavy impact on civilians. The latest report of the Secretary-General (S/2005/740) highlights two of the most troubling features of today's conflicts: forced displacement and sexual violence. The reality is that civilians in armed conflict have gone through all sorts of hardships, including indiscriminate killings and mutilation, as well as starvation, disease and the loss of their livelihoods. Against that bleak background, the work of humanitarian personnel, who bring healing to those in need, has, in many cases, been thwarted by the denial or the obstruction of access, poor conditions of

security and the regrettable continuous lack of resources.

As a consequence, we have developed a set of rules and principles that seek to limit the consequences of armed conflict. But the international community still falls short of ensuring a more effective application of humanitarian law. Violations must be prevented or duly punished. While we underscore that States bear the primary responsibility to exercise their criminal jurisdiction, account must be taken of the full range of judicial mechanisms that can complement national jurisdictions, the foremost being the International Criminal Court. In that respect, the report of the Secretary-General refers to the three investigations already under way; those are very positive developments. By bringing perpetrators to justice, the Court will be able to provide long-term deterrence, with a positive impact on the protection of civilians.

At the country level, capacity-building is crucial to enhance the national legal, law enforcement and judicial systems, as well as to develop other long-term post-conflict initiatives. We particularly stress the importance of disarmament, demobilization and reintegration programmes for creating a secure environment that is sustainable. Those programmes need to be fully provided with resources, especially in the reintegration phase. In countries emerging from conflict, disarming and demobilizing activities need to be matched with actions to reintegrate former combatants into society through employment support and income-generation projects. My delegation emphasizes, in that regard, the fundamental importance of making adequate and predictable resources available for the full completion of disarmament, demobilization and reintegration programmes and activities.

With respect to the provision of humanitarian assistance, we have been supportive of efforts to make the United Nations humanitarian system more predictable. We should aim at ensuring a more equitable distribution of humanitarian assistance so that aid can be allocated in a non-discriminatory, balanced and proportionate manner.

Our delegation took note of the ideas to improve reporting to the Security Council. But it is our understanding that the compilation of data on issues and trends regarding the civilian population would concern only countries whose situations are on the agenda of the Security Council. In addition, the thematic discussions in the Council should be linked to country-specific situations of which the Council is seized.

As for the responsibility to protect, the Foreign Minister of Brazil, Mr. Amorim, reminded us at the opening of the sixtieth session of the General Assembly that, while the concept does merit an adequate place in our system,

> "The United Nations was not created to disseminate the notion that order should be imposed by force. That extreme expedient can be considered only when all other efforts have been exhausted and peaceful solutions have proved not to be viable." (*A/60/PV.9, p. 5 and 6*)

Furthermore, the World Summit Outcome stresses that the General Assembly should examine the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and assess all its ramifications, bearing in mind the United Nations Charter. At the same time, in the section on the use of force under the Charter of the United Nations, the Summit Outcome reaffirms that the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security.

Returning to the issue of the protection of civilians in armed conflict, the Security Council must continue to be fully engaged, but, while remaining seized of that issue, the Council must also recognize the essential roles of the General Assembly and the Economic and Social Council in the field of the protection of civilians and must work in close coordination with them, because those bodies are able to address other important dimensions of the issue, such as the critical topic of humanitarian funding.

I wish to conclude by paying tribute to the humanitarian community, those who still provide hope for people who are suffering all over the world.

Mr. Idohou (Benin) (*spoke in French*): I should like to express to the Secretary-General my delegation's great appreciation for the clarity of his fifth report on the protection of civilians in armed conflict (S/2005/740). I should also like to welcome the presence among us of the Vice-President of the International Committee of the Red Cross and to thank him for his contribution to today's debate, which leads

us to reassess problems related to the human condition and its complex nature.

Over the centuries, a set of norms and principles has been established that has made it possible to expand the influence of the human ideal within the collective consciousness, to the point where, at the turn of the century, one could speak of the continual improvement of humanity, since the aspirations of individuals and peoples to the rule of law was obvious.

The changes that accompanied the end of the bipolar world and the birth of a new world order at the end of the 1980s led to an increase in the number of internal low-intensity armed conflicts. Those conflicts were caused by the prolonged destabilization of some countries, with the appearance of rebel groups and other non-State armed groups, thanks to the proliferation of small arms and light weapons.

The behaviour of those non-State actors resulted, strangely, in actions that were fundamentally negative and in complete violation of the contemporary legal, social and moral law. In some cases, these were formerly peaceful national or multinational communities in which a breach of the social contract occurred because of ethnic or religious intolerance or a ruthless battle for control over vital space and resources. Those phenomena are described in detail in the Secretary-General's very instructive report, in the section on general trends of the situation of civilians in contemporary armed conflicts.

The heart-rending picture of the practices cited enables us to realize not only the degree of moral decay of the perpetrators of the acts in question, but also the magnitude of the challenge that must be met in order to restore the rule of law, particularly international humanitarian law, so as to restore peace in countries in conflict situations. The international community, which embodies the principle of humanity, and the United Nations are deeply frustrated by the crimes against human dignity committed in contemporary armed conflicts. They must resolutely commit themselves to combat and put an end to such crimes by using the means offered by the Charter.

We must recognize and duly appreciate the considerable progress made in this area since the Secretary-General's first report on the issue of civilian protection. This time, once again, the Secretary-General has usefully presented various aspects of critical situations that the United Nations must address through its competent bodies, particularly the Security Council. In that regard, he has significantly facilitated the Council's work by clearly identifying current problems and by providing specific indications concerning actions that could be undertaken at the appropriate level.

It would be a good idea if the Council could promptly reach a consensus concerning proposed measures with regard to strengthening the normative framework and operational protection and assistance activities. In that connection, we fully support reaffirmation of the major responsibility of the international community, acting through the Security Council, to ensure effective and efficient civilian protection when public authorities are unable or unwilling to provide it.

We do that even more easily when we recognize that that same collective responsibility to protect is the basis of the creation of the African Union and its structures concerned with the maintenance of peace and security. We also support the approach of giving peacekeeping operations adequate mandates that enable them to fully carry out the duty to protect threatened civilian populations.

The role of justice in combating violations of international humanitarian law is crucial. United Nations action must be aimed at developing reliable national judicial institutions as a means of preventing armed conflicts. But it must also promote recourse to international justice whenever national circumstances do not permit reliable prosecution of perpetrators of violations of international humanitarian law and human rights law.

The issue of the lack of a multisectoral monitoring and follow-up mechanism, presented as one of the gaps in the current framework for the protection of civilians in armed conflict, needs particular attention. We believe that the best solution would be to follow the model accepted for children affected by armed conflict. However, more thorough coordination of structures and institutions responsible for managing problems related to civilian protection would, in our view, permit greater comparable effectiveness, ensuring consistency in assistance and supervision policies and programmes by taking into account the regional dimension and the mobilization of adequate resources for financing crucial activities such as the social reintegration of ex-combatants and the

rehabilitation of child soldiers and female victims of sexual exploitation.

From that perspective, we appreciate the systematic data-collection mechanism currently used by the relevant structures of the United Nations system, supported by existing sectoral monitoring and follow-up mechanisms and by the maintenance of databases on incidents in conflict-affected countries.

The Secretary-General has quite rightly drawn the Council's attention to the issue of guaranteeing access to populations requiring humanitarian assistance, as well as to the grave attacks against the physical safety of humanitarian assistance personnel. We believe that the Council must not limit itself to proscribing such attacks; it must also provide protection for such personnel through means commensurate with the risks that they take.

We cannot conclude without paying a well-deserved tribute to humanitarian assistance personnel for the courage and devotion that they have shown working in the service of peace and human dignity.

The President: I now give the floor to His Excellency Mr. Alfredo Mantica, Deputy Minister for Foreign Affairs of Italy.

Mr. Mantica (Italy) (*spoke in French*): Permit me at the outset to express to you, Mr. President, my heartfelt thanks for giving me the opportunity to speak today on a subject — the protection of civilians in armed conflict — that could easily be described as historic, given its importance and timeliness in the context of the contemporary human rights system.

The suppression of human rights violations caused by domestic and international conflicts is one of the main aspects of Italy's efforts and of the European Union to defend and promote human rights and fundamental freedoms throughout the world. After the adoption of resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict, we have encountered difficulties and made limited progress in protecting civilian populations affected by conflict situations, as indicated by the conclusions of the Security Council presidency in June 2005. Given those conclusions, Italy is deeply convinced of the urgent need to guarantee the physical safety of displaced populations and other more vulnerable groups — particularly women and children — who are too often the objects of atrocious forms of abuse and violence. Therefore, helping to create a safe environment for endangered populations and groups, particularly in the most high-risk areas, must be a fundamental objective of peacekeeping operations. This is an issue that Italy has followed closely for a long time.

Thus there is a need for another Security Council resolution on the protection of civilians in armed conflict that takes into account, inter alia, the outcome of the recent United Nations summit with respect to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, which Italy fully concurs with and supports resolutely.

My country is committed to making an effective and well-thought-out contribution to the protection and promotion of human rights, in particular in the tragic and complex situations created by armed conflict. Allow me to recall that Italy worked resolutely to include in its priorities, during its European Union presidency in 2003, the question of the protection of vulnerable groups in domestic conflicts. Indeed, we were well aware of the magnitude of that phenomenon, which, as stressed in the latest report of the Secretary-General of November 2005, involves nearly 25 million displaced persons within countries in conflict.

Given its concern in that respect, Italy focused its attention primarily on acquiring greater knowledge about the phenomenon and on training peacekeeping forces, so as to meet the need to safeguard the fundamental rights of civilian populations involved in situations of war and conflict.

My country's efforts were also focused on the tragic situation of the millions of children involved in armed conflict. The rights and fundamental freedoms of those millions of small victims continue to be systematically violated. Italy has historically been one of the countries in the forefront of efforts to eradicate the phenomenon of child soldiers and their recruitment. During its presidency of the European Union in 2003 in particular, Italy devoted its efforts to the elaboration and adoption of the European Union Guidelines on Children and Armed Conflict in the framework of the understanding with the Special Representative of the Secretary-General, Olara Otunnu; with UNICEF; and with the principal non-governmental organizations in that sector.

Moreover, Italy is engaged in active and ongoing cooperation with UNICEF in the context of collaborative projects aimed at improving the situation of such children by helping countries needing such assistance in the process of rehabilitating those smallest victims and reintegrating them into society.

Given my country's long history of working for the protection and promotion, pure and simple, of human rights and fundamental freedoms throughout the world, I cannot but reiterate here Italy's resolute support for the draft resolution under discussion and express the sincere hope that it will be adopted today. The achievement of our common goal — to devise effective international means to ensure the protection of vulnerable populations and categories which are facing grave threats in the context of domestic and international conflicts — is near at hand, and our joint efforts must focus on limiting, mitigating and combating all forms of abuse and violence afflicting civilians in modern-day armed conflicts.

The President: The next speaker on my list is the representative of Peru, to whom I give the floor.

Mr. De Rivero (Peru) (*spoke in Spanish*): The delegation of Peru congratulates you, Sir, on having convened this open debate on the protection of civilians in armed conflict. We would like also to thank Under-Secretary-General Jan Egeland for his introduction and to highlight the work done by his Office to promote the protection of civilians in armed conflict — work which today does great credit to the United Nations. I cannot but note that the events referred to in his report cause us grave concern.

In my delegation's view, the question we are considering is one of the most important issues on the Security Council's agenda, given its humanitarian and ethical implications and given its scope, which encompasses the prevention of conflict escalation and the restoration, maintenance and consolidation of peace.

The primary responsibility to protect populations — as was noted earlier, we could not agree more — from genocide, war crimes, ethnic cleansing and crimes against humanity lies with each State, and cooperation is necessary to ensure that this is the case. In armed conflicts, the protection of civilians is also the responsibility of the parties to the conflict, be they States or armed groups.

The United Nations has a responsibility to protect populations from serious and systematic violations of international humanitarian law, in particular the Geneva Conventions. Cases of genocide, war crimes, crimes against humanity or ethnic cleansing should meet with an immediate and firm response by the Security Council.

The responsibility to protect must be viewed as a concept that guarantees the achievement of the ultimate goal of State sovereignty, which is none other than safeguarding the human rights of a State's own citizens and promoting respect for the human dignity of its own people — a fundamental element of its own definition as a civilized State. That was the understanding reached last September by our heads of State and Government, who forged a new consensus so that action could be taken to avoid any recurrence of genocide such as took place in Rwanda and in Srebrenica.

The United Nations must never abdicate its ethical responsibility to safeguard and defend the human rights of individuals throughout the world. Human rights are of concern to all States in the international system, and respect for such rights is a sine qua non for the legitimate exercise of national sovereignty. Accordingly, it is important to ensure access to humanitarian assistance for civilian populations affected by conflict, with full respect for humanitarian work and for internationally agreed principles on humanitarian assistance, and to protect humanitarian personnel and civilian populations, particularly its vulnerable segments, such as women, children, refugees and internally displaced persons.

The reality is that, in various situations of conflict throughout the world, the United Nations has often been unable to prevent genocide, massacres and ethnic cleansing. Against that backdrop, Peru has stressed the importance of an ongoing focus by the Council on the concept of the responsibility to protect. That concept involves three basic responsibilities: first, to prevent the causes of domestic conflict; secondly, to respond — and this could include coercive measures, sanctions and, in extreme cases, the use of force; and thirdly, to reconcile the population and to rebuild the country that has collapsed.

An important measure to strengthen the credibility of the Council's efforts to protect civilians could be to have the permanent members of the

Council reach a gentleman's agreement not to use the veto when crimes against humanity are involved such as ethnic cleansing, genocide or grave and massive violations of human rights. That could deter those who might be planning to perpetrate atrocities. If such atrocities were committed, however, there could then be rapid action on the part of the Security Council. Moreover, that would be a coherent and consistent way of implementing the World Summit Outcome.

Acceptance of the concept of the "responsibility to protect" and its effective implementation by the Security Council are now extremely important for enhancing the credibility of the United Nations.

In that connection, my delegation would like to draw attention to the Security Council's decision to refer the case of Darfur to the International Criminal Court. This represents an important milestone on the path towards international justice for grave violations of human rights and strengthens the position of the United Nations in adopting appropriate measures to help the victims of massive violations of human rights, to defend the rule of law and, above all, to put an end to impunity and bring the perpetrators of such violations to international justice.

The investigation by the Prosecutor of the International Criminal Court will help uproot the sense of impunity that exists today with respect to Darfur, and will help — in cooperation with the international authorities and the Government of the Sudan — to ensure that the perpetrators of violations are brought before tribunals and judged with all the guarantees required by international standards. In that way, the victims of these violations may receive compensation — at least moral compensation — and may again hope to rejoin their society with dignity.

But judicial deterrence is not enough. At times, solid mandates are required for peacekeeping operations. Peru agrees with the Secretary-General that in the five years since the adoption of resolution 1296 (2000) there have been new challenges to the safety and well-being of civilian populations and the tools that we have at our disposal to address these concerns need to be developed accordingly.

We believe that it is important to improve the design of peacekeeping missions, supported by specific mandates for the protection of civilians during conflict. Moreover, my delegation agrees that we need a new resolution to update the framework used by the Security Council to provide support for the protection of civilians, in order to ensure that this new environment is better reflected in the capacity of the United Nations to respond.

In that connection, we believe it is important to take into account regional and subregional organizations which can play a major role because they are in a better position to have a more complete picture of the situation and of possible solutions for the countries of the region. In the case of the American continent, the Organization of American States should at last be enabled to take an active role alongside the Security Council.

In conclusion, I must recognize that to strengthen the protection of civilians after the cessation of conflict, during the post-conflict period, there must be resolute action to build national democratic institutions — not so much through general elections, but beginning with democracy at the local level, then progressing to general elections. Frequently there are elections which do not turn countries into democracies. Also, it is important, during post-conflict reconstruction, to put viable economies in place, because the majority of countries that have collapsed had economies that were poorly integrated in the world economy. This creates social marginalization, which, in the final analysis, is the cause of the collapse of States and the conflicts that the Security Council faces.

The President: I now give the floor to the representative of Canada.

Mr. Rock (Canada): I have the honour today to speak on behalf of Australia and New Zealand as well as Canada. I thank members of the Council, and in particular the United Kingdom, for convening this open meeting on the protection of civilians. May I first express our strong support for the statements made and the positions advanced by the Emergency Relief Coordinator, Jan Egeland, and by the Vice-President of the International Committee of the Red Cross (ICRC), Jacques Forster.

The Secretary-General's report (S/2005/740) effectively outlines the main trends in civilian protection. It makes sadly evident to us all that the picture presented is a grim one. The deliberate death and displacement of civilians remains an active aim of combatants in a significant number of conflicts. Impunity for violations of human rights and humanitarian law, including acts of sexual and gender-

based violence, are leaving a painful legacy for war-torn societies to manage. In some instances, such as in northern Uganda, there is an urgent need for Council action. Once again, we call on the Council to place northern Uganda on its agenda. I note the recommendation in that regard by Jan Egeland in his presentation this morning.

Security Council resolution 1296 (2000) and its companion text, resolution 1265 (1999), ushered in a new and important Council idiom. In each, emphasis was placed on addressing the legal and physical protection needs of civilians in international peace and security deliberations, and on the commitment of the Council to ensure that those issues are at the forefront of its decision-making and of its action.

And so, five years on, how should we assess the work of the Council? Our delegations would respectfully observe that there are areas in which the Council must do more. On the one hand, the Council has made significant strides to build and strengthen the repertoire of actions that it can take in support of civilian protection. Peacekeeping missions have been given express mandates to use force when civilians are under attack. Targeted sanctions have been applied which take into account humanitarian considerations. Fact-finding missions to regions of interest have been undertaken. The Council has made a referral of a particular case to the International Criminal Court (ICC). And greater emphasis has been placed on issues related to humanitarian access.

But on the other side of the coin, the Council remains reluctant to engage in countries where we believe there are good reasons for the Council's involvement. That reticence is frustrating to those of us who wish to see greater use of preventive diplomacy. What is more, when the Council does indeed engage and where troops have been deployed, the Council and the United Nations membership as a whole sometimes fail to ensure that missions are adequately equipped and resourced to fulfil their assigned tasks. We are concerned as well that the Council has been inconsistent in the messages it has sent in response to war crimes and crimes against humanity, as well as in the monitoring and enforcement of its own resolutions. The continued impunity of militias in Darfur is a serious challenge to Council credibility.

In resolution 1265 (1999) the Council committed itself to respond to situations where civilians were being targeted or where assistance to them was deliberately obstructed. Our delegations firmly believe that, where such a response is justified, the Council's engagement must be timely, its monitoring must be vigilant and its political will must be sustained so that it can draw upon the full range of measures at its disposal in support of civilian protection, including, ultimately and as a last resort, the use of force where diplomatic efforts have proven futile and where States are not able to meet and discharge their responsibility to protect their own populations.

Indeed, the United Nations Charter confers on the Council the primary responsibility for the maintenance of international peace and security. This is why our leaders made a strong commitment at the world summit to respond, through the Council, to fulfil the collective responsibility to protect. As such, we urge Council members to take up the mandate conferred by the world leaders, especially as the Council looks to adopt a new resolution on civilian protection. Our delegations believe that a resolution should not only reinforce the Council's commitments under resolution 1265 (1999), but should also further clarify the Council's resolve to act, including through enforcement action under Chapter VII, in response to serious violations of international humanitarian law, including genocide, war crimes and crimes against humanity, should peaceful means be inadequate and should national authorities manifestly fail to protect their populations. We also call on the Council to make greater use of its power to refer situations to the International Criminal Court and to make every effort in organizing its work so that such issues do not become the basis for political controversy. Clearly, accurate information is essential to assist the Council in that regard. The Secretariat must move quickly to improve its reporting, as promised by Mr. Egeland last December and as noted in paragraphs 50 to 52 of the report of the Secretary-General.

We would also like to see the implementation of existing protection-of-civilian mandates more systematically monitored by the Security Council and the Secretariat. The aim must surely be to consistently draw lessons and good practices and to improve our collective effectiveness. Indeed, in a workshop hosted by Canada last week on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) with members of the Council, the Deputy Force Commander in the Democratic

Republic of the Congo and the Deputy Special Representative of the Secretary-General in MONUC, it became clear that greater attention has to be given to ensuring that missions can focus on their protection-of-civilians tasks without being overburdened with multiple other responsibilities, and that training programmes should be developed to help troops and police better understand what it means to participate in a civilian-protection mission.

The workshop also reinforced the need for national Governments, United Nations agencies and troop-contributing countries to develop strategies to prevent and respond to instances of sexual and gender-based violence while the Council considers how peacekeeping missions can enhance the physical security of women and children at risk.

While the Council has increasingly been attentive to the needs of the displaced, we wish to emphasize that such attention must go from words to deeds. In its previous resolutions, in particular resolutions 1208 (1998) and 1296 (2000), the Council noted the value of technical cooperation in support of host countries in instances where refugees and internally displaced persons are threatened by combatants. We regret that the Council has not yet promoted such efforts in a specific context. Our delegations encourage the Council to draw upon that option. Identifying ways to improve the protection of displaced persons in northern Uganda is a specific case the Council must urgently explore, as more must be done politically to address the tragic cycle of displacement and violence.

The deteriorating situation in northern Uganda has also resulted in an upswing in attacks on aid workers, not unlike other crises currently on the Council's agenda, such as Darfur. Neither the Council nor the General Assembly has ever declared that an exceptional risk exists in a given country. Thus our delegations warmly welcome the agreement on an optional protocol to the 1994 Convention on the Safety of United Nations and Associated Personnel, which will lead to greater legal protections for United Nations and associated personnel. We call on all countries that have not done so to ratify the Convention without delay and to sign and ratify the optional protocol to bring it into force. But pending its entry into force, we call on the Council to make the exceptional risk declarations in situations where doing so is justified.

(*spoke in French*)

As we have stated on previous occasions, we would like a new Security Council resolution to address other issues as well. Those include support for greater cooperation between the Council and regional organizations dealing with the protection of civilians; issues relating to disarmament, demobilization and reintegration; more pro-active engagement on the issue of natural resources and conflict; and reinforcement of the fundamental importance of access to humanitarian aid. We would also like to see the Council commit itself to strengthening its enforcement and monitoring mechanisms on arms embargoes and other targeted sanctions. In that regard, it is important that a new resolution should endorse the guidelines developed by the Office for the Coordination of Humanitarian Affairs on the humanitarian impact of sanctions regimes.

In conclusion, we strongly urge the Council to adopt a stronger resolution that goes beyond what we achieved five years ago and that focuses not on narrow national priorities but on the needs of populations affected by conflict. We are aware that we have made very significant demands of the Council and the entire international community in our statement today. Our respective countries are resolutely committed to contributing to the collective success of our efforts. We look forward to working to that end with the entire United Nations system.

Mr. Gatan (Philippines): Allow me to thank you, Mr. President, and the delegation of the United Kingdom for convening this important open debate on the protection of civilians in armed conflict. I also wish to thank the Emergency Relief Coordinator and the representative of the International Committee of the Red Cross for their important briefings to the Council.

One of the grave tragedies of the changing nature of conflict is that its impact on civilians has become increasingly horrific. The characteristics and features of many of today's conflicts show that we have to adjust our protection strategies if we are to save and protect lives more effectively.

First, civilians are now not only caught in the crossfire as innocent victims, but are also deliberately targeted by many parties to conflict as part of warfare strategy. Secondly, exacting accountability from the perpetrators of violence against civilians is now even more difficult, with many violators being non-State actors, who are not bound by relevant international

legal instruments. While international law does cover the situation of civilians in inter-State conflicts, it is still difficult to make those parties to a conflict comply with the provisions of international law. Thirdly, globalization has made borders porous, so that many internal conflicts are becoming increasingly regional in character.

We could go on describing the changing landscape of conflict situations, yet those three examples should be enough to show that the changing nature of conflict demands new and enhanced protection strategies for civilians.

Today's efforts to combat terrorist activities have, inadvertently or otherwise, affected the safety of many civilians. We are concerned that counter-terrorism efforts, while intended to preserve security, have also sacrificed the lives of many innocent people. However, we are heartened that, through the General Assembly, States have once again reaffirmed the need to ensure that counter-terrorism measures comply with international humanitarian, human rights and refugee laws. In that regard, we welcome the ongoing dialogue with the Security Council and its Counter-Terrorism Committee and the relevant bodies dealing with the protection and promotion of human rights.

It is of the utmost importance that protection be delivered in a comprehensive manner. Because a comprehensive protection regime is multidisciplinary in nature — ranging from conflict-prevention measures to the protection of civilians in the midst of conflict, and including post-conflict protection and rehabilitation — the United Nations system must adopt a coordinated approach. For its part, the Security Council, through the ongoing negotiations on a draft resolution on the subject, will ensure that adequate protection components are embodied in existing peacekeeping mandates and that future mandates will be so designed as to give due priority to the protection of civilians. We look forward to receiving the empirical information that the Office for the Coordination of Humanitarian Affairs (OCHA) will submit so that the Council can assess with greater precision the impact and extent of its work on civilian protection, which should also point to areas where protection efforts need to be improved.

Access to affected civilians for humanitarian purposes has been stressed as key to providing protection. OCHA has emphasized in its past briefings to the Council that humanitarian access, because of many factors, remains a challenge. One of those factors is the increasing perception of the seemingly tarnished image of humanitarian assistance, including the perception that humanitarian assistance could possibly be diverted for political ends. That points to the value of ensuring that humanitarian assistance remain neutral, impartial and free from political objectives. The challenge of remaining faithful to those principles is also amplified by the involvement of non-State actors in many conflicts. There should be a proactive and renewed effort to emphasize the core motivation of humanitarian assistance: the safety and security of civilians.

Another factor that impedes humanitarian access is the lack of adequate protection space for humanitarian actors to do their work because actual combat has not ceased, or worse, because of attacks on the safety and security of United Nations and humanitarian personnel. We therefore stress the need to ensure that those providing humanitarian relief — primarily United Nations peacekeepers — be assured of the necessary protection and safety.

We have seen the important role of the African Union in addressing the consequences of conflict in the region. Indeed, regional organizations can effectively respond to the protection needs of civilians with immediacy. We welcome the efforts of the Secretary-General, such as his dialogue with heads of regional and other intergovernmental organizations in July, to strengthen partnerships in the area of protection of civilians. Nevertheless, it is a fact that most regional organizations do not have the necessary capacity to adequately respond to protection concerns. To address that gap, it would be important, as the Secretary-General recommends in his report, for Member States and intergovernmental organizations to make every effort to assist regional organizations in building their capacities to provide adequate protection support.

In conclusion, the Secretary-General, in his report, also recommends the possible intervention by the Security Council in situations of systematic and widespread breaches of international humanitarian and human rights law. My delegation, right up to this last stage of its term in the Council and as a member of the General Assembly, will continue to engage actively on the issue to ensure that the United Nations efforts aimed at protecting civilians are implemented in ways that balance effectiveness in achieving the desired

results against possible adverse consequences. We therefore look forward to the adoption of the Council's next resolution on the issue and will remain committed to its objectives.

Mr. Motoc (Romania): I should like to start by commending your presidency, Sir, for convening this open debate and for its unflagging dedication to the topic at hand.

Allow me to point out that Romania associates itself with the statement soon to be made by you on behalf of the European Union.

In my turn, I would certainly like to join others in thanking Under-Secretary-General and Emergency Relief Coordinator Egeland for his briefing, as well as Vice-President Forster for his inspiring intervention and, more generally, to commend through him the valuable work relentlessly pursued by the International Committee of the Red Cross to protect victims everywhere.

While acknowledging the disturbing facts that have been presented to us this morning, we are also considering today all possible options for consolidating the practice of protection of civilians in armed conflict. Let me, in light of the brief time at our disposal, highlight what is of particular importance to my country.

Under the British presidency, our delegations are working progressively towards the adoption of a new resolution — one that we have awaited these past five years — on the protection of civilians in armed conflict. Our most recent resolution, 1296 (2000), raised the human rights and humanitarian dimension higher on the working agenda of the Security Council. Since then, we have not hesitated to deal with the devastating effects of armed conflict on civilian populations. We have mandated peacekeepers to ensure the protection of civilians. We have activated mechanisms to end impunity and stop abuses in the Darfur region of the Sudan, northern Uganda and the Democratic Republic of the Congo. Following our call, the International Criminal Court is bringing to justice the perpetrators of the most serious crimes in those conflict situations. We have pledged full support for the appointment of a Special Adviser of the Secretary-General on the Prevention of Genocide. We have called for unimpeded humanitarian access and reacted promptly when humanitarian workers and United Nations personnel have themselves become targets.

Gaps remain, without a doubt, and the sober representation contained in the report of the Secretary-General that is before us is indeed alarming. It is our desire, of course, that the measures we take here have an immediate and relieving impact on civilians trapped in armed conflict. Much depends, however, not only on the action of the Security Council, but on the willingness of States to assume responsibility for protecting their own citizens.

My delegation is working with members of the Security Council to have this issue reflected as a matter of principle in the new draft resolution that we are negotiating on the protection of civilians in armed conflict. After five years, we are close to the adoption of that new draft resolution, which we hope will make a difference and stand as a more coherent and comprehensive response and approach by the Security Council. At this point, I would also like to add that our chances of successfully protecting civilians in armed conflict increase significantly when we understand the need to engage regional organizations and other key partners in that endeavour. Like other delegations that have spoken here, we have been consistently in favour of regional thinking in the Council's actions and of mutually reinforcing cooperation between the United Nations and regional organizations.

The previous practice of this Council in the field of protection of civilians in armed conflict and our current reflection on the matter, including in the preparation of the new draft resolution, show clearly that we have gone beyond the search for a mere vision of protection. We have designed solid safeguards and, with the valuable help of other good-faith partners, we have been able to move to concrete actions. From now on, it will only take applied willingness to promote and implement our own mechanisms for protection.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): In the five years since the Security Council adopted resolution 1296 (2000), much has been done to increase the level of protection of civilians, the most vulnerable population groups in armed conflict, and to ensure people's right to a peaceful life. This year in particular, we adopted resolution 1612 (2005) on the protection of children.

Today, it is important to ensure the effectiveness of the work done by the monitoring and reporting mechanism and the objectivity and reliability of the information it provides. Many other tasks await us as

well. First and foremost, it is important to implement the existing Security Council instruments on that problem, of which we have quite a number in our arsenal, particularly with regard to children and armed conflict and to women, peace and security. They have great potential, and the Council could focus on implementing its own decisions in that area, identifying and removing obstacles to their implementation.

Having carefully read the report of the Secretary-General contained in document S/2005/740, we would like briefly to focus on a few points. We agree with the concern expressed about instances of restrictions on access by humanitarian personnel to populations caught up in armed conflict. The primary responsibility in that regard lies with the parties to a conflict. Member States should undertake a thorough analysis of initiatives to establish clear conditions for humanitarian access and the use of framework agreements in that area.

We cannot fail to mention the important role played by peacekeeping missions in resolving a whole set of problems related to the humanitarian component. The time has come to elaborate clear recommendations for interaction on these issues between the appropriate United Nations offices and non-State armed groups, without any commitment to recognize such groups.

There can be no doubt about the urgency of increasing the regional approach. One positive example of that is the unique peacekeeping role played by the African Union.

A prompt response by the United Nations to incidents of violence against civilians during armed conflict and combating sexual violence as a means of waging war are very important in dealing with crisis situations. We must consider the possibility of having peacekeeping missions protect civilian populations from physical and sexual violence. Fighting impunity and bringing to justice those guilty of such crimes are key factors in preventing violence.

It is appropriate in this context to stress the role played by the International Criminal Court and to recall the as-yet-untapped potential of the Fact-Finding Commission created in accordance with article 90 of the first Protocol Additional to the 1949 Geneva Conventions on protecting victims of war.

We were struck by the report's findings with regard to the responsibility to protect. We believe that it is clearly premature to advance that concept in Security Council documents. We all remember well the complex compromise that was required to reflect that issue in the 2005 Summit Outcome document. In that connection — and the outcome document states this — we need to have a detailed discussion in the General Assembly of the issue of the responsibility to protect before we can discuss its implementation.

It is difficult to agree that it is advisable to include under the heading of the protection of civilians such disparate concepts as armed conflict and terrorism. Clearly, the impact of terrorism on peaceful populations is an issue that, although somewhat germane to the subject under discussion today, will require a separate investigation in the appropriate forums — perhaps in one of the Security Council's subsidiary bodies dealing with counter-terrorism.

Mechanisms for early warning and for preventing war and conflict are of fundamental importance for ensuring the protection of civilians. The effective functioning of such mechanisms — which is, of course, conditioned by the effective participation of States — should lead to a situation in which the question of protecting civilians is no longer so prominent on the international community's agenda.

The President: The next speaker is the representative Germany, to whom I give the floor.

Mr. Pleuger (Germany): I would like first of all to point out that my delegation aligns itself fully with the statement to be made later on behalf of the presidency of the European Union.

Germany endorses the excellent report of the Secretary-General and the recommendations contained therein. We would like to thank the Secretary-General, as well as the Emergency Relief Coordinator, Mr. Egeland, for their efforts.

The protection of civilians in armed conflict remains extremely important to the international community. However, while we used to be concerned about civilian casualties as collateral damage in traditional warfare, our focus must now change. Armed conflicts in the twenty-first century are characterized by targeted attacks against civilians, forced displacement, sexual violence and indiscriminate killings. The battlefields of today are to be found in

cities and villages. Combatants terrorize the civilian population. Internal strife, civil war and terrorist attacks bring untold hardship to the civilian population.

As a member of the Security Council in 2003 and 2004, Germany repeatedly called for a new resolution on the protection of civilians in armed conflict. Complex crises, such as those in Darfur, the Democratic Republic of Congo and elsewhere, tragically demonstrate the need to fill the gaps in our current system for protecting civilians. We therefore wholeheartedly welcome the new draft text, and we appreciate the United Kingdom's efforts to reinforce and refocus our discussion of this matter.

We appreciate in particular that the draft resolution recalls in no uncertain terms the primary responsibility of States to protect civilian populations from war crimes, genocide, ethnic cleansing and crimes against humanity. It is also clear, however, that the international community has an obligation to help, through all means available under the Charter, in rendering such protection effective. Germany therefore strongly supports the inclusion of a reference in the text to that important concept, as recently outlined in the Summit Outcome document.

One of the tools that the international community has at its disposal is the International Criminal Court (ICC). The ICC can deter perpetrators and hold them responsible. It is important that the international community make use of the ICC as an effective instrument for the protection of civilian populations.

We welcome the fact that several countries have, over the past five years, adopted policies or legislation concerning internal displacement, and we call upon them to now implement that legislation. At the same time, the United Nations must do its utmost to ensure that civilians are fully protected. In that regard, Germany commends the United Nations for incorporating the protection of vulnerable groups into its peacekeeping missions.

In order to provide the best protection for civilians in armed conflict, a holistic approach is needed. Humanitarian relief, as well as development strategies, can ease the suffering of many people. In post-conflict periods, the United Nations must focus on capacity-building for administrative functions at the national, regional and local levels; the reintroduction of the rule of law and a functioning justice system; the training of potential candidates for police functions; the provision of quick-impact employment measures in cooperation with the private sector; and the rebuilding of infrastructure in order to reach the people in need.

The creation of the Peacebuilding Commission will allow the United Nations to better pursue that approach. However, post-conflict peacebuilding cannot be achieved by the United Nations alone; regional organizations and countries neighbouring the affected areas should also be involved.

The need to protect civilians in today's conflicts, and the difficulties that we are facing in that endeavour, constitute one of the many challenges of our time. In order to meet those challenges and address new threats, we must reform the current system. The adoption of the new draft resolution on civilians in armed conflict will be an important step towards the achievement of that goal.

The President: The next speaker is the representative of Iraq, to whom I give the floor.

Mr. al-Istrabadi (Iraq): I should like to congratulate you, Mr. President, and the Council for again convening this important and timely debate on protecting civilians in armed conflict. Regrettably, this topic is all too poignant and relevant for Iraq, as it is in too many places around the globe. We suffer daily from repeated and senseless attacks on our civilian population — children, women and men. Our schools are targeted by terrorists, as are the playgrounds in which our children play. Houses of worship and religious leaders, particularly in the Shia community, have often been the targets of terrorist attacks. Funerals and even hospitals have also been repeatedly targeted.

The ubiquity of light and automatic arms and the ease with which they are transported across international borders feed the terrorists' assembly line of death and mayhem. In Iraq, this has resulted this year alone in an estimated death toll of 30,000 civilian men, women and children. The goal of this senseless carnage, whether committed in Iraq or elsewhere, is clear: to disrupt ordinary life and engender fear and panic in the civilian population. In the specific case of Iraq, it is also designed to dissuade the international community from engaging with us in the reconstruction of our country. Sadly, many have become inured to this condition. It is rare indeed that a colleague, even here in the halls of the United Nations, thinks to condole us on any given day when another hundred or so Iraqi civilians have been killed.

The new Iraq stands today along with the civilized countries of the world in condemning the senseless and unjustifiable targeting of civilians. Our position is clear and unequivocal: the targeting of civilians is wrong at all times and in all places, regardless of the cause. Nothing can justify a derogation from the universally applicable principle that all belligerents must protect civilians at all times. No grievance, however legitimate, no religion and no political dispute can justify any deviation from this settled principle. It is fundamental in international humanitarian law, as it is in the conduct of the affairs of all civilized peoples.

But it is time to do more than just accept and debate another report on this issue. The United Nations and Member States should undertake practical steps to combat this scourge. In his report, the Secretary-General has made several concrete proposals to deal with States and groups that fail to discharge their duties to protect civilians. We urge the international community to take up those proposals.

To the extent that the Council again uses economic sanctions in the face of aggression against civilians, it is particularly appropriate for Iraq to remind it that it must ensure that such sanctions do not exact a toll from the most vulnerable in society, including children.

It is also time to establish strict protocols safeguarding against the transportation of light and automatic weapons across international boundaries. Unequivocal condemnation of terrorism wherever it may occur, coupled with controls on the transport of weapons, will undoubtedly result in decreased suffering by civilian populations worldwide.

As a country which itself is suffering from a terrorist campaign which targets civilians as a matter of course on a daily basis, we are disappointed that momentum has stalled on completing a convention on terrorism in the General Assembly. A clear and unequivocal condemnation of terrorism by the Assembly would go a long way towards affirming the commitment of the international community to enforce the duty to protect civilians at all times in all places.

We congratulate the Security Council for repeatedly taking a unanimous stand to condemn those who target civilians, not least in resolution 1618 (2005), which condemns such tactics in Iraq. We pledge to redouble our efforts to achieving progress on this vital issue in the General Assembly and urge all Member States to do the same.

Mr. Vassilakis (Greece): Thank you, Sir, for organizing this debate on an issue of great importance to this Organization, one addressed recently by the heads of States and Governments at the world summit. I also wish to express my appreciation to the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his presentation of recent problems and challenges concerning the protection of civilians in armed conflict.

Before making my national comments on this issue, I would like to associate myself with the statement that you, Mr. President, will make later on behalf of the European Union.

The fifth report of the Secretary-General on the protection of civilians in armed conflict (S/2005/740) is of high quality. It reflects all the developments and achievements in the field of civilian protection since the adoption five years ago of the last Security Council resolution on the subject, resolution 1296 (2000). It also identifies gaps in the existing framework and makes concrete and realistic recommendations that, if implemented, could effectively meet current protection needs and concerns.

The facts contained in the Secretary-General's report are particularly alarming. During the past five years civilians not only continued to be caught up in violent conflicts, but targeted attacks, forced displacement and sexual violence, particularly against women and children, have become some of the most disturbing features of these conflicts.

Another disturbing fact is the continuing denial or obstruction of access to vulnerable populations by United Nations humanitarian personnel. This has serious implications for the protection and survival of thousands of people in need. All this indicates that the current level of protection of the civilian population needs to be enhanced by developing and improving existing means.

The draft resolution that you, Mr. President, took the initiative to pursue, which we fully support, is an important document. It addresses a complex range of current protection issues and identifies key areas of action by Member States, the United Nations and United Nations bodies that would ensure better protection and respect for the civilian population. We

wish to comment on some of these issues, which are also elaborated upon in the Secretary-General's report.

We firmly believe that respect for international humanitarian law, human rights law, refugee law and international criminal law provides the best protection for civilians in situations of armed conflict. Governments and non-State actors have the obligation to comply strictly with these laws. It is, however, disquieting that many States have not yet ratified all the treaties relating to the protection of civilians, particularly the Geneva Conventions of 1949 and their Additional Protocols of 1977.

As the Secretary-General points out in his report, the restoration of law and the tackling of impunity are vital in preventing further violence. Indeed, the fight against impunity, both at the national and international levels, can prevent the commission of serious crimes against civilians in the future and can help societies come to terms with past abuses. Domestic justice mechanisms are critical in pursuit of accountability. However, if national authorities are unwilling or unable to prosecute violators, the role of the international community is vital. The referral by the Security Council of the situation in Darfur to the International Criminal Court is a bold step towards putting an end to impunity and consolidating peace, security and justice in that society. We believe that the draft resolution should incorporate the elements to which I have just referred.

The early prevention of atrocities against civilians is an obligation of the State concerned. However, if that State is unwilling or unable to protect its civilians from such crimes, we believe that the Security Council has the political and moral obligation to take effective action and alleviate the human suffering. In this respect, we would like to underline the importance of the relevant paragraphs of the World Summit Outcome document concerning the responsibility of the international community to protect populations from genocide, crimes against humanity, war crimes and ethnic cleansing. The draft resolution should reflect these developments. In this respect, we want to emphasize the importance of early warning mechanisms in preventing the commission of such crimes.

The draft resolution under discussion devotes special attention to the physical protection needs of civilians in armed conflict, particularly those of women and children and of displaced persons and refugees. It condemns in the strongest terms sexual violence, the forcible recruitment of children and child abduction and calls on States to bring the perpetrators of such horrendous acts to justice. It also invites the United Nations to better address protection concerns in its peacekeeping mission mandates. We fully support that approach.

Likewise, we support the Secretary-General's suggestion that peace agreements should include commitments concerning the cessation of all attacks on civilians and of forcible displacement; the disarmament, demobilization and reintegration of ex-combatants; the facilitation of humanitarian access; the safe and sustainable return of refugees and internally displaced persons; and the safety of humanitarian personnel. In our view, the draft resolution should take the same approach.

Humanitarian access to those in need and the removal of obstacles that prevent humanitarian workers from delivering humanitarian assistance or protecting the civilian population constitute another important aspect of civilian protection that is tackled in the text of the draft resolution being discussed. We believe that future peacekeeping operations should have a clear mandate and the necessary resources to better facilitate the provision of humanitarian assistance to those in need.

Lastly, we believe that regional organizations can play a critical role in the field of protection. That is particularly true of the African Union and its role in the Darfur crisis. However, we agree with the Secretary-General that the recent escalation of violence in the Darfur region underscores the particular constraints faced by the African Union. We fully subscribe to the call for adequate support for that regional organization.

In conclusion, the draft resolution, which is still being negotiated, offers a good opportunity to improve and strengthen the tools at the disposal of the United Nations for more effective protection of the safety and the well-being of civilian populations in armed conflict. We have to seize that opportunity and try to elaborate a text that responds to the protection concerns and challenges of our times. We will cooperate and contribute to that end.

Mr. Oshima (Japan): I thank you, Mr. President, for convening today's open debate on this important

subject, and I thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, as well as Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross (ICRC), for their briefings to update us on key issues involved in the protection of civilians in armed conflict. As a former Emergency Relief Coordinator, I wish, also on behalf of the Permanent Representative of Japan, to take this opportunity to express our high respect and appreciation to Under-Secretary-General Egeland and his staff in the Office for the Coordination of Humanitarian Affairs for their tireless work in advancing this agenda, as well as to the ICRC, the United Nations agencies concerned and the non-governmental organization community, for their valuable work and dedication to humanitarian relief, assistance and protection activities.

We welcome the Secretary-General's report (S/2005/740), which outlines the progress that has been made to date and the many challenges that remain, and which offers several specific recommendations. All of this is very valuable indeed and provides the Council with fresh material for thought and action. In fact, since the adoption of the first resolution on the subject in 1999, resolution 1265 (1999), efforts to mainstream this agenda in the work of the Council have produced important concrete results. We see, for instance, the protection of civilians increasingly being incorporated into peacekeeping mission mandates — in the Democratic Republic of the Congo and elsewhere. In that regard, the aide-memoire (S/PRST/2002/6, annex) has proved a practical, useful tool, as have the timely briefings and inputs from the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs (OCHA), various United Nations funds, programmes and agencies and the non-governmental organizations, for all of which we express thanks.

The outcome document endorsed by world leaders in September (General Assembly resolution 60/1) also contains significant agreements and concepts to advance the humanitarian agenda. We regard as especially important the reference to women and children in armed conflict, the acknowledgement — for the first time at the head-of-State level — of the Guiding Principles on Internal Displacement and the clear enunciation of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We should anchor our discussion in the Council on those milestone agreements. The proposal to review and expand the Central Emergency Revolving Fund also requires careful consideration.

Despite those achievements, we still have much to do. The stark reality before our eyes is that of millions of innocent civilians being attacked and killed and subjected to damage, injury, humiliation and loss in numerous armed conflicts around the world. Particular pain is inflicted on women and children in the form of sexual violence and the forced recruitment of child soldiers. The Council needs to redouble its efforts to ensure that its measures make a difference on the ground. From that viewpoint, I would like to briefly touch upon four points.

The first point concerns the need for accurate information in considering appropriate measures in the Council. Regrettably, in that regard, little reliable statistical data is available to enable us to assess with reasonable certainty the field-level impact of the Council's work on protecting civilians caught in armed conflict. For example, there is a great discrepancy in the statistical data available on the number of war deaths in the past year. The largest figure, given by one source, is 10 times the smallest one, given by another source.

Admittedly, work on collating such figures in the given circumstances sometimes entails enormous difficulties. Nevertheless, it is important for the Council to have more solid and more reliable information when considering the nature and scope of the tasks and duties that a peacekeeping mission can realistically be expected to perform. To that end, the Council must have accurate information concerning specific situations in which civilians are caught in armed conflicts. Therefore, we support the establishment of a reporting system that would allow United Nations agencies to improve work in that regard, building upon existing mechanisms with the aim of presenting a more complete and coherent picture.

Secondly, it is essential to ensure the access of humanitarian workers to people in dire need of help, assistance and protection. We cannot assume that peacekeeping missions alone, now at a record high in terms of their number and size, can cover all the protection needs of civilians in armed conflict. Nor is it realistic to expect that peacekeeping missions will

grow in size or that many more new missions will be established, given the fact that troop-contributing countries are already stretched thin in terms of the personnel they have committed to the many recent and ongoing operations.

In those circumstances, it is clear that humanitarian workers will continue to play, as they have in the past, a very important role in protecting civilians, as their presence also often deters violence against civilian populations. The reality that more civilian deaths are caused by malnutrition and infectious diseases than by physical violence makes the work of humanitarian organizations all the more important. We pay high tribute to humanitarian workers and their organizations for the dedication and the noble spirit with which they carry out their mission in many difficult situations around the world.

In that context, Japan welcomes the strong and straightforward language on the subject of humanitarian access in the September outcome document, and we call on all parties to armed conflicts to honour the international community's requests for access. In that connection, common services, especially logistical assets including transportation, have a very important role to play in ensuring access to vulnerable populations. We welcome the increased attention that is being given to common services and wish to stress the importance of sufficient coordination and resources in that regard.

Thirdly, the United Nations must strengthen its partnership with regional organizations. Regional experience and skills should be more fully utilized for the effective protection of civilians. We welcome, in particular, the African Union's efforts to play an increasingly important role in this area. We also commend the Office for the Coordination of Humanitarian Affairs (OCHA) for its initiative formulated in response to the call of the Council that it draft a workplan to engage systematically with regional organizations in the protection of civilians. Japan, for its part, will provide all possible assistance to the important work done by and through regional organizations.

Finally, from a mid- and long-term perspective, the establishment of the rule of law and security sector reform are both indispensable and hold the key to achieving the effective protection of civilians. We have high expectations that the Peacebuilding Commission — whose establishment we hope will be agreed soon — will make a valuable contribution to the effort to address those issues.

For example, we understand that the United Nations Organization Mission in the Democratic Republic of the Congo has no other option but to allow the expediency of putting criminals into its own facilities, because national authorities simply cannot provide the prison facilities necessary to confine them. Under those circumstances, we cannot realistically expect that impunity will end. Clearly, building the capacity of national authorities should therefore be given much higher priority. The education of children — especially those who have had painful experiences as child soldiers — needs to be given greater emphasis in the international community's efforts to put an end to the vicious circle of violence.

In conclusion, Mr. President, I would like to express our appreciation for the initiative you have taken with regard to the Council's draft resolution on this issue. We believe that the Council should now consolidate its past achievements and lay out the directions for future action in clear and bold terms. We strongly support the draft resolution and look forward to its early adoption, with some possible new inputs from the deliberations during this present debate.

Mr. Mahiga (United Republic of Tanzania): Mr. President, I thank your delegation for arranging this public meeting on the protection of civilians in armed conflict. I also thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for his defining statement in today's debate. In addition, we thank Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross, for his insightful statement on the protection of civilians in armed conflict.

As we mark the fifth year since the adoption of the landmark resolution 1296 (2000) on the protection of civilians in armed conflict, we need to take stock of the achievements accomplished and the challenges we still face in our endeavour to devise a more comprehensive and coordinated framework for the protection of and assistance to civilians in armed conflict, in order to fill existing gaps. We welcome the report of the Secretary-General on the protection of civilians in armed conflict (*S/2005/740*). The recommendations provided in the report warrant our careful study.

Despite the decline in the number of wars, the number of civilians affected by conflict has continued to increase, with graphic humanitarian consequences. We note with concern the change in warfare strategies, which deliberately target civilians or use civilians to achieve military objectives. The impact of conflict on civilians has gone beyond collateral damage to calculated maximum damage to civilians, including hostage-taking, as we have witnessed in terrorist acts. Armed conflicts also paralyse and deny to civilians their basic means of livelihood by destroying infrastructure, disrupting economic and social activities and causing malnutrition, the outbreak and spread of diseases, human suffering and humiliation, all of which exacerbate poverty.

We are deeply concerned by the increase in acts of violence and abuses committed against civilians — particularly women and children — in situations of armed conflict, in violation of international humanitarian, human rights and refugee law. The pattern of those violations constitutes a threat to international peace and security. We urge all parties to conflicts to respect the relevant international laws and conventions.

One of the grave violations of international humanitarian law committed against civilians in conflict situations is the use of sex as a weapon of war. In that regard, it has been mostly women and girls that have borne the brunt of the abuses. While we are encouraged that sexual abuses in conflict situations are now regarded as war crimes, perpetrators need to be exposed and prosecuted expeditiously without the constraints of political expediency.

We reiterate the need to end impunity and urge that all those responsible for genocide, war crimes, crimes against humanity and violations of humanitarian law be brought to justice. In that regard, we urge that priority be placed on assistance in the restoration of national judicial systems in countries emerging from conflict.

The protection of civilians is the primary responsibility of Governments. When Governments fail or are unable to offer such protection, we should have a collective responsibility to protect humanity. Governments must ensure respect for the rule of law, human rights and democracy.

Human rights and democracy are essential. We thus call upon States to ratify all instruments relating to the protection of civilians and to implement the various Security Council resolutions regarding the protection of civilians. Technical assistance may, however, be required to assist developing countries, at their request, to develop such capacities and competencies.

In that regard, we need to further develop the concept of the responsibility to protect. Our stance on that responsibility is inspired by the following statement by the President of Tanzania, His Excellency Benjamin Mkapa:

> "States must firmly be placed on notice that the humanity we all share demands that we should collectively have an interest in its promotion as well as in its protection. Governments must first be held responsible for the life and welfare of their people. But there must also be common agreed rules and benchmarks that would trigger collective action, through our regional organizations and the United Nations, against Governments that commit unacceptable human rights abuses or threaten regional peace and security."

We thus welcome the affirmation by world leaders of the responsibility to protect civilians from genocide, crimes against humanity, war crimes and ethnic cleansing.

We note with concern the denial of access for humanitarian workers to populations in dire need of humanitarian assistance. We echo the Secretary-General's demand that parties to conflicts allow immediate, full and unimpeded access for humanitarian personnel and implement resolutions related to particular conflict situations. We also call upon humanitarian personnel to uphold the international principles guiding humanitarian work, in particular impartiality, neutrality and the non-political character of humanitarian assistance.

Protecting civilians in conflict situations requires that we also prevent the prevalence and risk of war. Currently, as observed in the Secretary-General's report "In larger freedom", half of the countries emerging from violent conflict revert to conflict within five years. Reducing the risk of war also requires that humanitarian support during conflict and the transition period to peace address developmental aspects. Here, we would like to emphasize the importance of quality of education and training, especially to ensure the reintegration of young people into their societies and

the building of a culture of peace and tolerance within those societies. We thus welcome the establishment of the Peacebuilding Commission to address issues related to post-conflict institution-building and the consolidation of peace.

In conclusion, I should observe that there are several international conventions, protocols, Security Council resolutions and international initiatives to protect civilians in armed conflict. Together, they provide useful elements for updating and developing a more comprehensive and coordinated regime for the protection of civilians in armed conflict. It may be necessary to establish new norms and adopt additional Security Council resolutions to address this problem.

The consensus reached on the responsibility to protect by the world summit this year is a useful basis for the further development and refinement of norms and practices related to the national and international protection of civilians in armed conflict. The African Union has set an example in that direction. For the Security Council, it is part of its responsibility for the promotion and maintenance of international peace and security.

In that regard, Mr. President, we welcome your initiative to present a new draft resolution which is under consideration by the Council.

The President: The next speaker on my list is the representative of South Africa, to whom I give the floor.

Mr. Mabhongo (South Africa): Mr President, we thank you for having convened this open debate on the protection of civilians in armed conflict, and we also commend the Secretary-General for the comprehensive report that has been presented.

It is encouraging to note that the number of armed conflicts has decreased from 50 in 1992 to about 30 in 2004. We need to acknowledge, however, that the tragic impact of issues such as indiscriminate killings, mutilation, sexual violence, forced displacement and loss of livelihood require our urgent attention and highlight the importance of addressing the issue of the protection of civilians in armed conflict.

The international community, in our view, must remain collectively engaged to address the issue of the protection of civilians in armed conflict and to ensure the necessary political support and other requisite resources. We welcome the call made by the Secretary-General for a more predictable humanitarian response to complex emergencies through the proposed upgraded Central Emergency Revolving Fund. We believe that such reforms could help to enhance response capacity, develop more predictable humanitarian financing and strengthen humanitarian coordination.

The United Nations can and should play a critical role in that respect. General Assembly resolution 46/182, among others, highlights the important agreed principles that guide the manner in which humanitarian assistance should be provided. These include the principles of humanity, neutrality and impartiality. These principles, we are pleased to note, were also endorsed by the 2005 world summit.

We wish to make the following remarks on some of the issues covered in the report of the Secretary-General.

First, the report highlights the problems created by the continued recruitment of child soldiers. It also puts an emphasis on protection from physical and sexual violence, especially as concerns women and children. In that regard, we support the call on all parties to strictly comply with the relevant rules and principles of international humanitarian, human rights and refugee law. We also agree with the appeal to end impunity and to prosecute those responsible for genocide, crimes against humanity and other egregious crimes perpetrated against civilians.

Secondly, the report of the Secretary-General has also correctly recognized that a secure environment for the protection of civilians, following a period of armed conflict, requires the strengthening of national legal, law enforcement and judicial systems. We wish to stress that, in addition, it also requires that disarmament, demobilization and reintegration programmes be fully funded. We therefore welcome the call made by the Secretary-General to reinforce the inclusion of adequate reintegration measures in peacekeeping and peacebuilding missions.

Thirdly, the international community agreed, during the 2005 world summit, that each individual State has the responsibility for the protection of its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It was also agreed that, where appropriate, Member States would be helped to build the necessary capacity to enable them to fulfil their protection mandate.

It is from that perspective that we welcome the report of the Secretary-General as well as this open debate in the Security Council. We wish to emphasize, however, that the 2005 world summit also called for continued consideration within the General Assembly of the issue of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Fourthly, as in previous reports, the Secretary-General again highlights the valuable role that regional and other intergovernmental institutions can play in the protection of civilians — a role that South Africa fully endorses. We therefore agree with the appeal made by the Secretary-General to enhance the capacity and readiness of regional organizations to respond to the protection needs of civilians. However, we would like also to emphasize that a stronger involvement in the protection of civilians and humanitarian assistance by regional organizations such as the African Union should not lead to an abdication by the United Nations system of its own responsibilities. What is important, in our view, is closer cooperation and partnership between the United Nations and regional organizations.

Lastly, the observation made by the Secretary-General in his report that peacemaking, peacekeeping, peacebuilding and humanitarian response to complex emergencies are mutually reinforcing is an important one, which we fully support. Closer cooperation between humanitarian and peacekeeping efforts is supported by our delegation, although we also recognize the need to respect the various mandates of the different institutions. As a particular example of how closer cooperation could assist in the protection of civilians, properly mandated peacekeeping missions could create a secure and safe environment for humanitarian organizations to have full and safe access to the affected populations.

In conclusion, recognizing that the emergence of new challenges demands that the international community actively and collectively address these issues, it is the hope of the South African delegation that this will continue to be done in a way that increases respect for the principles of international humanitarian law, human dignity and the legitimacy of the United Nations.

The President: The next speaker on my list is the representative of Switzerland, to whom I give the floor.

Mr. Maurer (Switzerland) (*spoke in French*): First of all, I should like to thank the United Kingdom for having convened today's debate. I should like also to thank the Humanitarian Coordinator and the International Committee of the Red Cross (ICRC) for their contributions. Finally, I should like to congratulate you, Sir, on the format of this debate, which shows that the Security Council's methods of work have been somewhat reformed; we appreciate that.

The text of my statement has been distributed, so I shall simply make three points.

First, the protection of civilian populations is ensured not only by international humanitarian law, with which we are all familiar, but also by other norms and standards for protection relating to human rights, refugees and displaced persons, in particular the Guiding Principles on Internal Displacement. In addition, the norms of customary law apply to both international and non-international armed conflicts. Those rules were set out by the ICRC in a recently published study. There exists, therefore, a coherent body of non-negotiable legal principles and norms that must guide the actions of the Security Council and of Member States. We deem it imperative that this be reflected in the draft resolution to be adopted by the Council.

We have stated repeatedly in this Organization that today respect for, and the application of, the law is more important than its development. We are nonetheless pleased when progress is made in the development of the law, such as the adoption of a third Protocol Additional to the Geneva Conventions of 1949 yesterday morning in Geneva, which introduces an additional emblem for the International Red Cross and Red Crescent Movement.

Those decisions put an end to a long controversy. As the depositary State of the Geneva Conventions, Switzerland calls on all States to ratify speedily that instrument.

My second comment relates to the mandates of peace operations. In recent years, the mandates given by the Security Council have become both broader and more robust. We call on the Council further to strengthen the civilian component of such operations. We would like to forcefully stress the fact that humanitarian work — be it emergency assistance to

victims or other protection activities — must be carried out by civilians. Only in this way will it be possible to guarantee the observance of humanitarian principles. The lack of clarity which we sometimes see on the ground with respect to the respective roles of humanitarian and military actors jeopardizes humanitarian action. That said, Switzerland deems it just as important that close coordination be established between civil and military actors. That is why we call on the Security Council to give civilians, from the beginning, a greater role in the planning and definition of the mandates of peace missions.

In that context, we draw attention to the Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies. Switzerland calls upon the Council to follow those Guidelines in defining the mandates of United Nations peace operations and to exercise its influence on regional organizations in order to ensure that those organizations also follow the Guidelines.

My third remark concerns humanitarian access. I would like also to stress the importance for humanitarian organizations to have unrestricted access to civilian populations. Switzerland calls upon the Council to give special attention to the crucial issue of humanitarian access. Even where access to victims is clearly possible, it is often necessary to constantly renegotiate that issue. In that context, Switzerland supported the drafting by the United Nations of a manual of field practices on humanitarian negotiations with armed groups. The manual, which will be released in the coming weeks, is being drafted in response to a recommendation made by the United Nations Secretary-General in his second report on the protection of civilians in armed conflicts.

Finally, to conclude, Switzerland welcomes the references to the responsibility to protect, contained in the draft resolution under review.

Mr. Berruga (Mexico) (*spoke in Spanish*): First, I would like to thank Under-Secretary-General Jan Egeland and the Vice President of the International Committee of the Red Cross for their presentations and thank the presidency of the Council for the timely invitation to attend this meeting.

The protection of civilians is a growing challenge in the implementation of international law, human rights law and international humanitarian law. This is a timely debate, both in terms of taking stock of progress achieved since the adoption of resolution 1265 (1999), and in terms of identifying the measures required to improve the level of protection of civilians in armed conflict.

Over the past 10 years, we have seen a marked increase in the number of armed conflicts with an unprecedented degree of violence and cruelty. For instance, the military command and control of armed groups and dissident forces has broken down to such an extent that identifying the parties to a conflict has become extremely complex, adding to the difficulty of achieving any implementation of the rules of armed conflict.

As a consequence, violence has reached further afield, making the civilian population — formerly a collateral victim — the main target. That gives us an idea of the scope of the challenges before us. For that reason, the implementation of international agreements on the topic is becoming increasingly urgent.

Making those agreements operational is the shared responsibility of all — Governments, international organizations and civil society. It is also imperative that the Security Council, as well as regional organs that are competent in the area of peace and security, take measures to compel the parties to conflicts to conduct hostilities in a manner respecting humanitarian standards, and to facilitate the delivery of assistance to the civil population whenever it is affected.

Similarly, when hostilities are suspended, disarmament and the reintegration of armed groups within society — in addition to the establishment of mechanisms for accountability and the search for and identification of the victims of forced disappearances — are indispensable prerequisites for repairing the fabric of society.

Civilians are the victims of conflicts, not only during conflicts but also afterwards. To that extent, the linkage between the protection of civilians and the dispensation of justice is of vital importance. International and national efforts must be accompanied by measures, in accordance with national legislation and international law, to bring to justice those responsible for violations of international humanitarian law.

The International Criminal Court (ICC) is a fundamental tool for eradicating the culture of impunity, including cases of sexual exploitation and deliberate attacks on humanitarian personnel. The existence of the Court should be not only an incentive to strengthen national legal systems, but also an efficient mechanism to deal with crimes when national judicial structures have disappeared as a result of conflict. For that reason, Mexico recently ratified the Rome Statute.

We must be certain that the agencies and programmes of the United Nations, as well as the relevant regional organs, are given mandates that promote the adoption of measures to properly implement international law and that they be backed by political and financial resources that would make it possible for them to work closely with States.

Experience has taught us that the identification of vulnerable populations is initially carried out by humanitarian organizations in the field. For that reason, when Mexico was a member of the Security Council, we promoted expanded communication between the Council and non-governmental organizations in the field, in order to find better ways of working together to protect vulnerable populations.

Similarly, Mexico has defended and supported the creation of channels to make it possible to offer safe and unrestricted access for humanitarian organizations to suffering populations. Resolution 1502 (2003) is a step forward in the creation of a framework of protection for such organizations, as it contains a new regime of sanctions to be applied to parties to a conflict that resort to violence against humanitarian personnel. We hope to create a greater awareness of the fact that breaching the security of those organizations makes conflicts worse and violates respect for human rights and the basic rights of the civilian population.

When we speak of the civilian victims of armed conflicts, including refugees and internally displaced persons, we are mainly and essentially speaking of women, children and older people. We are talking about violent rapes and abuse, sexual exploitation and violence against women and the forced recruitment of children. Such acts must no longer be viewed with indifference by the international community. Mexico is convinced, therefore, that once peaceful solutions have been exhausted — and acting exclusively under the authority of the Security Council — the international community must take all measures that are necessary to protect civilians from genocide and crimes against humanity including — among others — serious violations of international law, human rights and international humanitarian law.

For that reason, we are gratified by the meaningful progress achieved in the context of the 2005 world summit and we are prepared to continue the discussion on implementation within the General Assembly, as the Assembly is the best forum to promote codification and further development.

Mr. Zhang Yishan (China) (*spoke in Chinese*): I would like first to thank the Secretary-General for his report on the protection of civilians in armed conflict (S/2005/740). We would also like to thank Under-Secretary-General Jan Egeland and Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross, for their briefings. We also wish to commend United Nations agencies and, in particular, the Office for the Coordination of Humanitarian Affairs and the Department for Peacekeeping Operations, for their enormous efforts in the field over the years.

In recent years, the issue of the protection of civilians has attracted increasing attention on the part of the international community. Civilians are usually the main victims in any sort of conflict, with the plight of vulnerable groups — in particular women, children, refugees and displaced persons — being even more horrific. At times, they do not even have access to the most basic humanitarian assistance.

The Security Council attaches priority importance to the issue of the protection of civilians in armed conflict. Over the past six years, the Council has adopted two resolutions and issued many presidential statements in connection with this matter. The outcome document of this year's High-level Plenary Meeting of the General Assembly (General Assembly resolution 60/1) contains many references to this issue. We obviously continue to face many challenges with regard to the follow-up of the outcome document and the implementation of the relevant resolutions. The delegation of China would like to take this opportunity to highlight the following points.

First, efforts to protect civilians should be in line with the Charter of the United Nations and the relevant provisions of international law. Individual States have the primary responsibility to protect their own citizens.

In accordance with the Charter and the provisions of international law, parties to a conflict should provide effective protection to affected civilians. All activities pertaining to protection, be they security guarantees or humanitarian assistance, should not violate the principles enshrined in the Charter; nor should they infringe upon the sovereignty and territorial integrity of Member States. Humanitarian personnel and agencies should abide strictly by the principles of impartiality, neutrality, objectivity and independence, in order to avoid becoming involved in a conflict or supporting a given party.

Secondly, work in the area of civilian protection should focus on the prevention of conflict, in order to simultaneously address both root causes and symptoms. The protection of civilians is not an isolated issue. Effectively preventing armed conflict is the best protection we can provide to civilians. Poverty, social injustice and ethnic disputes can trigger conflict. Policies to promote sustainable development, build a sound and harmonious society and bring about national reconciliation must therefore be pursued actively, in order to eliminate the root causes of conflict. Absent that, efforts to protect civilians will always be reactive in nature. As the body with primary responsibility for the maintenance of international peace and security, the Security Council should actively encourage preventive diplomacy and promote the resolution of existing conflicts, so that civilians may be freed from the scourge of war.

Thirdly, the concept of the responsibility to protect should be the subject of further comprehensive and in-depth discussions. The summit outcome document clearly referred to "the responsibility to protect ... populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (*General Assembly resolution 60/1, para. 138*). The outcome document went on to develop the concept at length, owing to the sensitivity and complexity of the issue.

The consensus opinion of the international community, as well as its justifiable demand, is that swift steps must be taken to mitigate and put an end to large-scale humanitarian crises and gross violations of human rights. The Security Council should make its own assessment of situations in accordance with reality on the ground, and should act accordingly. At the same time, we cannot lose sight of the fact that all conflicts are generally caused by a host of complex factors. A cautious approach should be taken in determining whether a Government is able or willing to protect its citizens. Arbitrary and hasty intervention should be avoided, as that may complicate situations and result in greater harm to innocent civilians.

Fourthly, States concerned should take the initiative in assuming responsibility to end impunity and bring perpetrators to justice. Promoting the rule of law and ensuring justice is conducive to the promotion of reconciliation and the realization of long-term stability. We encourage States concerned to fully utilize their domestic judicial institutions. We also believe that we should provide constructive assistance in order to avoid violating State sovereignty and respect the will of the parties concerned. In that regard, the Security Council should proceed cautiously in order to avoid adopting a one-size-fits-all approach to different situations.

In conclusion, I should like to take this opportunity to pay tribute to humanitarian workers, who risk their lives in wars and conflicts in order to contribute selflessly. Their noble efforts deserve our respect. Their safety and security should therefore be fully ensured.

Ms. Løj (Denmark): I would like to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, and Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross (ICRC), for their clear and thought-provoking presentations on the issue of the protection of civilians in armed conflict. I would also like to associate myself with the statement to be delivered later in the debate by the United Kingdom delegation on behalf of the European Union.

In the day-to-day work of the United Nations, we sometimes seem to forget the overarching purpose of our efforts. We are here to save succeeding generations from the scourge of war, to reaffirm faith in the dignity and worth of the human person and to establish conditions under which justice can be maintained. That is our purpose, our raison d'être. And that is why Denmark believes that the protection of civilians in armed conflict is one of the most important thematic issues on the agenda of the Security Council. We, the peoples of the United Nations, must act to ensure the protection of our fellow human beings, in particular during armed conflicts. That is a responsibility that we have not always been able to live up to. We need to

enforce the so-called culture of prevention that the Secretary-General has called for.

In that regard, I would sincerely like to thank the delegation of the United Kingdom for providing the Council with such a strong and comprehensive draft resolution on the protection of civilians. It includes a number of indispensable measures and forward-looking elements for the future work of Council, and of the United Nations as a whole. We look forward to its early introduction and adoption.

As clearly demonstrated in the Secretary-General's latest report on this item (S/2005/740), the issue of the protection of civilians in armed conflict is one of great complexity. Only by taking a multifaceted and comprehensive approach — including legal, political and socio-economic measures — can we fully address the great number of problems related to the protection of civilians in armed conflict. As recognized by our heads of State and Government at the 2005 world summit, peace, security, development and human rights are interlinked and mutually reinforcing, and they are the foundations for collective security and well-being.

The report identifies a number of general trends that affect the lives of civilians in conflict. Indeed, the list of trends is sobering reading. The armed conflicts of today unleash their full wrath not on the opposing army, but on the civilian population, in clear violation of all rules and principles of international law.

However, the report also provides a number of valuable recommendations for measures and actions that the Security Council can take to strengthen and improve its response to the protection needs of civilians in armed conflict. Denmark fully supports those recommendations. Allow me in that regard to address two key points of particular importance to the future work of the Security Council and the United Nations system as a whole: the "responsibility to protect" and the fight against impunity.

The 2005 world summit outcome underlined that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. That is not an obligation to be taken lightly.

Unfortunately, recent history demonstrates that national authorities sometimes are either unwilling or unable to provide the required protection. Should the international community, confronted with such manifest failings, just sit back and allow a new Srebrenica or Rwanda to unfold before our eyes? The answer to that question is obvious and was fully addressed by our heads of State and Government at the summit.

One of the keystones in the fulfilment of the purposes of the United Nations is for the international community to take appropriate action to protect civilian populations. The United Nations Charter provides a clear framework for our response. We have a responsibility to use all peaceful means to provide sufficient protection, but if those means fail, it is our responsibility to use all necessary and available means — including collective action in accordance with Chapter VII of the Charter — to put an end to ongoing acts of genocide, war crimes, ethnic cleansing and crimes against humanity. It is not just something we can consider doing — it is something we must do.

There can be no real peace without real justice. An armed conflict is not fully concluded before those responsible for atrocities committed against the civilian population are brought to justice. The Security Council must continue to explore ways and means to fight impunity. A number of international mechanisms, including the International Criminal Court, are in place. Universal legal protection standards already exist, and while all States are free to choose which international instruments they wish to become parties to, it is key that we use all means at our disposal to ensure that justice prevails. The Security Council should continue to discuss all those issues as part of our discussions on the strengthening of international law.

As we move forward in our efforts to protect civilians in armed conflict, the 10-point platform of action presented earlier to the Security Council by Mr. Jan Egeland should guide the work of the United Nations as a whole. We need to take effective measures to implement those points of action.

We must ensure safe and unhindered humanitarian access to civilians in need. We must improve the safety and security of humanitarian personnel. The protection of internally displaced persons and refugees is crucial; we already have a plan, the Agenda for Protection, which requires our attention and implementation. Finally, we must in all our efforts pay particular attention to the special protection requirements of women and children and take all

necessary measures to put an end to the systematic and widespread sexual violence committed against women and girls in armed conflicts.

Real change starts at home. Thus, real improvements on all of those issues should start in our daily work in the Security Council. Denmark stands ready to adopt a strong and forward-looking resolution and to work for its full implementation for the benefit of the millions of civilians trapped in armed conflict.

The meeting was suspended at 1.15 p.m.

United Nations S/PV.5319 (Resumption 1)

Security Council

Sixtieth year

Provisional

5319th meeting

Friday, 9 December 2005, 3 p.m.

New York

President:	Mr. Thomson/Sir Emyr Jones Parry	(United Kingdom)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Zinsou
	Brazil	Mr. Queiroz
	China	Mr. Li Song
	Denmark	Mr. Rehfeld
	France	Mr. Duclos
	Greece	Mrs. Telalian
	Japan	Ms. Okagaki
	Philippines	Miss Aguinaldo
	Romania	Mr. Stamate
	Russian Federation	Mr. Rogachev
	United Republic of Tanzania	Mrs. Taj
	United States of America	Mr. Wolf

Agenda

The protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2005/740)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-63532 (E)

The meeting resumed at 3.10 p.m.

The President: I should like to inform the Council that I have received a letter from the representative of Rwanda in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kamanzi (Rwanda) took the seat reserved for him at the side of the Council Chamber.

The President: I would like to remind speakers that, as indicated at the start of the meeting this morning and given the number of speakers still on the list, it would be helpful if representatives would limit their statements to no more than five minutes so that we can wrap up at a reasonable time this afternoon. Delegations with lengthy statements are kindly requested to circulate them in writing and to deliver a condensed version when speaking in the Chamber. A condensed version is considerably preferable to simply reading a full text at very high speed, which gives the interpreters a lot of grief and is not fair to them.

Mr. Baali (Algeria) (*spoke in French*): The legal arsenal of international humanitarian and human rights law and the now constant and sustained interest of the United Nations system in general, and the Security Council in particular, in the protection of civilians in armed conflict, provide real assurances that this extremely complicated question will be dealt with in an effective, comprehensive and integrated manner.

Progress has certainly been made since the publication of the first report of the Secretary-General on the protection of civilians in armed conflict. The mandates of peacekeeping operations have been reinforced, and in many cases disarmament, demobilization and reintegration programmes have been implemented.

We must recognize, however, that much remains to be done. Recent events have been a cause for concern in many respects. Women, children and the elderly are continuing to suffer from the devastating effects of armed conflict. The displacement of civilians and refugees, serious violations of human rights, the use of sexual violence as a weapon of war, the conscription of child soldiers, crime in all of its forms, the proliferation of small arms and light weapons, cross-border movements, the difficulty of delivering emergency humanitarian assistance and attacks against humanitarian personnel are characteristic of many of the conflicts besetting the world. We must approach the protection of civilians in armed conflict with a heightened sense of urgency and in a comprehensive, coherent and concrete manner.

In this context, we would like to emphasize a number of points. First, a far-reaching prevention strategy to tackle the underlying causes of conflict would make it possible to provide for the protection of civilians in the long term. Such a strategy would be based on the promotion of sustainable development, poverty eradication, national reconciliation, good governance, the promotion of a culture of peace and tolerance, the rule of law and the observance of human rights. That is what we mean by a culture of prevention.

Secondly, the protection of civilians must comply with the principles of universality and non-selectivity, and must be free from political calculation. Unfortunately, there are situations in which the humanitarian community is doing little or nothing, as in the case of peoples under foreign or colonial occupation — even though the United Nations bears a special political and legal responsibility in that regard.

Thirdly, we must be firm. We agree that all forms of impunity must be effectively combated with regard to violations of international humanitarian and human rights law involving civilians in armed conflict.

Fourthly, recent events have made clear just how vulnerable humanitarian workers are. More must be done to ensure that humanitarian personnel can enjoy security, gain access to those who are vulnerable and be treated with respect and dignity. At the same time, we must take steps against humanitarian personnel who violate the principles of humanitarian action.

Fifthly, more effective coordination between the Security Council, the General Assembly and the Economic and Social Council remains crucial. It is also important to encourage regional approaches and to strengthen coordination with regional and subregional organizations.

My delegation has considered with great interest the report of the Secretary-General on the protection of civilians in armed conflict (*S/2005/740*), which refers to, inter alia, the responsibility to protect. We would like to be quite clear and transparent about this. We recall that the September summit mandated the General Assembly to continue the debate on that concept — a concept about which there is still no unanimity within the international community and whose parameters still need to be rigorously defined. Furthermore, we believe that it is important, when it comes to the humanitarian dimension of the item before us today, to await the outcome of the ongoing analysis of the United Nations humanitarian response capacity.

Finally, we can never overemphasize the importance of complying, everywhere and in all circumstances, with the principles of the Charter and those that underpin international relations.

The President: The next speaker is the representative of Uganda, of whom I now call.

Mr. Butagira (Uganda): I will try to keep within five minutes, but if I speak for a minute more, it is because Uganda is mentioned many times in the report, and I need to respond.

The delegation of Uganda is grateful to the Security Council for having afforded us the opportunity to take part in this important debate. I should like to thank the Secretary-General for the comprehensive report on this subject and for the commendable proposals to address the poor conditions of civilian populations caught up in armed conflicts.

As we focus attention on addressing humanitarian crises, we should not forget to ask why there is conflict in the first place. In other words, the international community should address the root causes of conflicts, such as poverty and lack of democratic participation.

In Uganda, in addition to the usual causes of conflict, we have been fighting a fanatical, satanic rebel group, the self-styled Lord's Resistance Army. We have told the world that this group is not interested in peace and that they must be eliminated. Despite several peace proposals, Kony and his gang have not responded. Even now, the "celebrated" Betty Bigombe has not used a magic wand to bring Kony to the negotiating table.

This morning Mr. Egeland reminded us that the military option is not a solution. We must be realistic. The group we are being urged to talk to does not want peace. They are simply seeking to manipulate the device of peace talks to give themselves a breather, to get supplies and reorganize themselves to carry out their murderous activities. The international community just watched as civilians were brutally killed. Sadly, even when displaced persons in a refugee camp known as Barlonyo in northern Uganda were massacred in a most brutal manner, not even a word of condemnation came from this Council by way of a presidential statement.

Some of the remnants of these rebels have now fled to the Democratic Republic of the Congo. We call on the Security Council to have them arrested and disarmed. It is sad that very often, instead of blaming the aggressor, the victim — in this case Uganda — has been blamed for not ending the war.

Let me now touch on some aspects of the report that make specific reference to Uganda. Paragraphs 8 and 17 refer to displaced persons. It is not correct to assert that 90 per cent of the population in the districts of Gulu, Pader and Kitgum are displaced. Most areas, especially in Gulu and Kitgum, are now safe, and people are returning home. The Government is carrying out reconstruction and rehabilitation programmes in those areas as well as a northern Uganda reconstruction programme. The departments of government are functioning. The town of Gulu, for instance, is one of the fastest-growing towns in the country.

The conditions in the camps for internally displaced persons are far from perfect. The Government, in partnership with some non-governmental organizations, is addressing issues such as sanitation, security and provision of food. It should be remembered that these camps are only a temporary measure to protect civilians from marauding Kony rebels.

Now that Kony has been militarily defeated and the Government is carrying out mop-up operations, these people will soon go back to their homes. In fact, the Government has announced the resettlement of about 700,000 people now in displaced persons camps in Arua and Teso to their home areas. The Government will need international assistance to resettle them. In this regard, the Uganda Government welcomes the recent launch of humanitarian appeals by the

Secretary-General, whereby Uganda is earmarked to benefit from a grant of $223 million.

It is asserted in paragraph 20 that the right to freedom of movement in northern Uganda has been effectively eliminated as the result of the Government's establishment of free-fire zones, where persons moving outside desert settlements or camps are automatically considered legitimate targets of attack. With due respect, this is an alarmist statement. There is no such policy. When the Uganda Government unilaterally offered a ceasefire to rebels in order to encourage them to come to peace talks, it designated some areas where the rebels should assemble and nothing would happen to them. Any rebels found outside these areas would be treated as enemy combatants and dealt with accordingly. This restriction, however, was never meant to restrict the free movement of civilian population.

Since the rebels did not respond positively to this good gesture for peace, the designated areas are no longer there. There is free movement of people throughout northern Uganda. The Government is effectively in control of the entire area. The few remaining bandits roaming around are being hunted down. Northern Uganda is not in turmoil, so there should not be the remotest consideration of entertaining any idea of sending peacekeepers there, or any idea of putting Uganda on the agenda of the Security Council, as was suggested by Canada this morning.

It is common knowledge that Canada has been leading a sustained, uncalled-for and unjustified crusade to have northern Uganda put on the Security Council agenda. It is indeed sad and ironic that when we are reaching the tail end of the rebellion there are calls for such a course of action. The military campaign so far has yielded tremendous results. For many months now, there have been no abductions whatsoever by the so-called Resistance Army, nor has there been any recruitment or attacks on internally displaced persons camps. The rebels' capacity to commit such acts has been completely curtailed. The few remnants of the rebel forces are on the run. These are positive developments for which the Government of Uganda should be commended, not demonized. What we need is international assistance to resettle the displaced people. Uganda, therefore, strongly resists any move to put northern Uganda on the agenda of the Security Council. It is not helpful at all. We ask the Council to reject such a suggestion as uncalled for.

Lastly, in paragraph 30, the report states that the Government's inability to guarantee security continues to hamper access to northern Uganda. Certainly this is not correct. The Government has been providing escorts and, where the food programme has justified it, relief convoys as well. In some instances where some relief workers have unfortunately lost their lives as the result of being targeted by the few rebels remaining, those concerned had chosen not to ask for Government escorts, against the Government's advice. No Government anywhere in the world can be expected to guarantee one hundred per cent security to its citizens. Otherwise, every country would be on the agenda of the Security Council.

With the cooperation of Sudan and the region, soon the menace of Kony and his gang will be history. We appeal to the international community to assist in executing the warrants of arrest issued by the International Criminal Court against the top leadership of the Kony gang who have been indicted. Even at this late hour, the peace talks option is still on the table. Further, any rebel who surrenders would benefit from amnesty extended by the Government.

The President: I now give the floor to the representative of Nepal.

Mr. Acharya (Nepal): Mr. President, I should like to extend my congratulations upon your assumption of the presidency of the Security Council for the current month and to thank you for convening the discussion of this important issue, the protection of civilians in armed conflict. On behalf of the delegation of Nepal, I express our sincere appreciation to the Secretary-General for his fifth comprehensive report on the subject, as well as our appreciation for the presentation today by Under-Secretary-General Jan Egeland.

The safety, security and well-being of civilian populations who are badly affected by terrorism, armed conflict and violence are our common interest. We share the view that national Governments should take primary responsibility for the protection of their civilian populations from violence and terrorist activities. Only recently, our leaders have agreed to devise methods of taking responsibility to protect innocent civilians from genocide, ethnic cleansing, war crimes and crimes against humanity. Protection of

civilians, including women and children, in armed conflicts, especially from the threats of non-State actors, remains the primary challenge for us to address effectively. The Security Council should remain engaged as to how such violations by non-State actors can brought under control through international justice.

My own country, Nepal, has been the victim of terrorist activities committed by illegal armed groups who have shown little respect for human dignity and even for human life. In their brutal attacks, civilian lives and livelihoods have been destroyed, as has infrastructure for essential services. Innocent civilians, including women and children, are victims of ruthless killings, maiming, torture, forced recruitment and kidnapping. These activities have not abated, despite the declaration of the so-called unilateral ceasefire in recent months.

I would like to make a few comments with regard to references to Nepal in the Secretary-General's report.

His Majesty's Government is committed to taking the necessary measures to protect the lives and livelihoods of innocent civilians who are the victims of terrorist and disruptive activities. The Government is fully conscious of its responsibility to protect civilians, even in the face of difficult circumstances. The security forces have exercised the utmost restraint in the security operations that are carried out to protect innocent civilians from terrorist and disruptive activities.

His Majesty's Government has given the highest priority to the protection of civilians, including by mobilizing resources to provide the necessary assistance to internally displaced persons. The Government is committed to intensifying its efforts to provide such assistance, taking into account the short-term and long-term perspectives. The Government will implement a comprehensive policy for the welfare of internally displaced persons. We welcome the efforts of the United Nations system to complement national efforts to provide humanitarian assistance and protect innocent civilians, including internally displaced persons in Nepal.

Nepal fully respects and strictly observes the principles of international law on the protection of civilians in armed conflict, through full adherence to international humanitarian law, in particular the Geneva Conventions. Security personnel are given instructions and training on international humanitarian law and human rights. We have also allowed the International Committee of the Red Cross to operate in Nepal with full access to all places in Nepal, including places of detention. His Majesty's Government has allowed unhindered access for non-governmental organizations, human-rights defenders and international humanitarian agencies in all parts of the country. The reference in the report of the Secretary-General to the registration process does not apply to humanitarian organizations that are already operational in Nepal. Non-governmental organizations will be allowed unhindered access to the civilian population without any hindrance if they are registered in accordance with the law.

The office of the United Nations High Commissioner for Human Rights in Nepal, which was established under an agreement this year, is fully functional in all areas of the country. It has not reported any access problems, for humanitarian agencies or other entities, in any part of the country. The Representative of the Secretary-General on the human rights of internally displaced persons, who visited Nepal earlier this year, also reported that there is no humanitarian crisis in Nepal.

His Majesty's Government of Nepal is fully committed to protecting civilians and making every effort to restore peace and re-energize the country's democratic institutions, including through the municipal elections scheduled for 8 February 2006 and the parliamentary elections to be held by April 2007, as commanded by His Majesty the King. We believe that those elections will help foster a competitive democratic process, which will pave the way for the better protection of civilians and put an end to the ongoing violence.

Nepal welcomes the humanitarian assistance to the victims of terrorist and disruptive activities. We are of the view that, in making such efforts, the special circumstances on the ground must be taken into account. We support the idea that humanitarian assistance by the international community for victims of violence and internally displaced persons should be provided with the consent of the State concerned, in accordance with the principles of the Charter of the United Nations. Any guidance by the Security Council should take into consideration that direct access to illegal armed groups can be counterproductive to

efforts to protect civilians in armed conflicts and can even jeopardize peace and stability.

The President: I give the floor to the representative of Egypt.

Mr. Abdelaziz (Egypt): I feel honoured to be among the only two permanent representatives sitting at the Council table at this moment.

(*spoke in Arabic*)

I shall deliver a summary of my statement — I hope that the interpreters will be able to follow. That way, I can respect the suggested five-minute time allowance.

The question of the protection of civilians in armed conflict is of great importance to the activities of the United Nations. I welcome the report of the Secretary-General on this issue (S/2005/740). After five years of consideration of this issue, it is our belief that we must continue our work, while remaining committed to certain basic principles.

First, the Security Council should limit itself to the cases of the protection of civilians in armed conflict as defined by the items on its agenda. The Council should not expand its authority by establishing general policies for dealing with humanitarian issues and human rights. The elaboration of such general policies falls within the mandates of the General Assembly and its Main Committees. Thus, we are concerned at the mention in the report and the draft resolution of the possible role of the Security Council in legislating and taking action under the so-called responsibility to protect. Of even greater concern is the fact that the General Assembly, which has been mandated by the Summit Outcome (General Assembly resolution 60/1) to continue its consideration of that issue in all its aspects, has not yet begun that consideration.

Second, the protection of civilians requires the Security Council and the other principal organs of the United Nations to make greater efforts to consider the root causes of conflicts and terrorism and not to limit their action simply to deal with the consequences.

In that regard, we regret that the report of the Secretary-General, which deals with an issue of such importance, fails to make any reference to the role of the General Assembly or the Economic and Social Council or their mandates, in particular with respect to preventive diplomacy and post-conflict peacebuilding.

Third, the report of the Secretary-General notes in paragraphs 19 and 36 that peacebuilding and peacekeeping mandates should be integrated operationally for the protection of the civilians. It is our hope that the Peacebuilding Commission will be the beginning of joint action with the Security Council in a complementary manner.

Fourth, we welcome the Secretary-General's establishment of a group of legal experts to study the accountability of United Nations personnel serving in missions for illegal activities. We look forward to receiving the details of the integrated strategy that aims to provide assistance to victims. We also welcome the proposal to establish an integrated data-collection and classification mechanism. We request that such data be made available to the General Assembly, the Security Council, the Economic and Social Council and the Peacebuilding Commission.

Fifth, we call on the Secretary-General to give special attention to African conflicts, which cause enormous suffering to civilians.

Sixth, the Egyptian delegation is greatly concerned at the situation in Palestine, as reflected in the statistics of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and other humanitarian agencies working in the occupied Palestinian territories, which are contained in the report of the Secretary-General. In the period from January 2004 to July 2005, Palestinians were subjected to more than 2,000 incidents involving the denial or obstruction of humanitarian access to the Palestinian people. That situation calls for effective measures to prevent such incidents from occurring again and to ensure that Israel, the occupying Power, abides by its obligations until the establishment of an independent Palestinian State.

Seventh, the recommendation of the Secretary-General to impose new, targeted sanctions on States in order to ensure humanitarian access raises many questions. Such situations should be dealt with by means of cooperation with the Member State concerned, using all measures, including the provisions of Chapter VI and Chapter VIII of the Charter, not by imposing sanctions under Chapter VII.

Eighth, Egypt closely follows the work of the Emergency Relief Coordinator and the Inter-Agency Standing Committee to reinforce humanitarian protection capacity and affirms the importance of supporting the Coordinator's role and activities in order to enhance coordination among the various bodies. I express our gratitude to Under-Secretary-General Egeland and Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross, for their important briefings on the issue this morning.

Finally, this issue should be addressed by strengthening the framework of international law, international humanitarian law and the Charter, with a view to finding a balance in achieving the protection of civilians in armed conflicts.

Mr. Duclos (France) (*spoke in French*): At the outset, it will come as no surprise to you, Mr. President, that I associate myself with the statement that you will be making on behalf of the European Union.

I thank the Secretary-General for his report (*S/2005/740*) and Under-Secretary-General Jan Egeland for his presentation.

Following your wise recommendation, Sir, I shall not read out the full text that we have prepared; the written version will be circulated to delegations. I shall limit myself to summarizing a few points.

First of all, this annual meeting on the protection of the world's civilian populations has become very important for the work of the Security Council. We owe that largely to Jan Egeland. I believe that every year we become a bit more aware that if we want a strategic vision of global affairs, we need to have several cards at our disposal. We need a card on the balance of power; we need a card on crises; we undoubtedly need a card on non-proliferation and one on energy. But we also need — and this has been Jan Egeland's contribution for several years — a card on geopolitics and attacks on people's rights.

Secondly, our most recent draft resolutions on this issue date back to 1999 and 2000. I believe it is useful, now that we have experience, to take account of the shortcomings that we see. We therefore fully support the British presidency in its intention to submit a new draft resolution to the Council. What should be included in such a draft resolution? We will have many ideas to contribute during the discussions, but right now I should like to mention three points.

My first point concerns the responsibility to protect. Because that is something that has emerged since our 2000 resolution — namely, at the September summit — I have noted some misunderstandings about it in certain statements by previous speakers. I believe that what the British presidency proposes is not a reopening of the debate on that subject; we all agree that the concept will be refined, as agreed at the summit, within the framework of the General Assembly.

That said, the Security Council is not exempted from taking into account the major political and philosophical progress represented at the meeting of heads of State or Government: a basic agreement on a balanced vision of what is now called the responsibility to protect. We believe that it would not be unusual for the Security Council to refer to that notion, because it commanded a consensus among our heads of State or Government. Of course it is a notion that should guide the work of the Council, particularly in its role in the protection of populations.

Secondly, a very important development since 2000 has been the establishment of the International Criminal Court. That is particularly important because the Council utilized one of its prerogatives recognized in the Rome Statute to transfer the situation in Darfur to the Court's jurisdiction. In my view, that means that, now that that has been done — and it was a unanimous decision by the members of the Security Council — all of us, regardless of our position on the Rome Statute, have an obligation to cooperate with the Court so that it can carry out its role with regard to the matter of Darfur.

I also believe, more generally speaking, that the precedent represented by the transfer of Darfur to the International Criminal Court is perfectly in keeping with the recommendations made by the High-level Panel on Threats, Challenges and Change. That is to say, the International Criminal Court is among the instruments at the disposal of the Security Council to manage certain crises. Here again, it is not necessary to be a party to the Court to recognize its usefulness, particularly when it is activated by the Council under certain circumstances.

Thirdly, the protection of civilians requires that we devote special attention to the most vulnerable in

armed conflicts — for example, women and children. As we all know, my delegation feels a special responsibility with regard to the issue of children in armed conflict. The Security Council has taken decisions concerning that subject, in particular, in establishing a monitoring mechanism. In the coming months, it is important that that follow-up and assessment mechanism begin to function. We believe that that should be one of the tasks to which the Council should be the most attentive and most vigilant.

Those are the few points that I wanted to make by way of summary. I would refer delegations to our written contribution for the remaining points.

Mr. Wolf (United States of America): The Secretary-General's report (*S/2005/740*) and Under-Secretary-General Egeland's presentation — which is very much appreciated — paint a disturbing picture. But we are encouraged that this meeting helps to reaffirm the international community's commitment to the protection of civilians in armed conflict.

The world continues to be plagued by violent conflicts, with civilians now the major category of casualties of war worldwide. We would like to stress, however, that the primary responsibility for protecting civilians lies with States and their Governments and that international efforts should complement Government efforts rather than assume responsibility for them. Improving the protection of civilians from the devastating effects of armed conflict depends largely not on what we say or do here, but on what Governments do to protect their own people and on how they allow others to assist.

Let me now turn to some specific cases of concern. We continue to be gravely concerned about the ongoing crisis in Darfur, and especially about the impact of conflict on civilians in that region. While large-scale organized violence has substantially diminished, civilians continue to be subject to lawlessness and banditry, and women and girls continue to be raped. More than 2 million people remain displaced from their homes. In addition, humanitarian workers and peacekeepers have been increasingly targeted.

Sadly, there have recently been casualties, both deaths and injuries, among African Union peacekeepers who have been working to restore order in Darfur. This continuing insecurity has a direct detrimental impact on the international community's ability to deliver assistance and provide basic services for the victims of the conflict.

The situation in Darfur illustrates the urgent role that all parties to a conflict, but especially States, must play to safeguard civilians, including those who are internally displaced. Clearly the Sudanese Government has not fulfilled many of its responsibilities towards its people in Darfur, and the rebel groups continue to put them at risk as well. It is also important to reiterate that internally displaced civilians living in camps can continue to face serious human rights violations.

Several other countries, including the Democratic Republic of the Congo, have delicate situations of transition, where many protection challenges have increased. United Nations peacekeeping and assistance missions, together with support from non-governmental organizations, help ensure that civilians in these regions are not denied the dividends of peace.

We are encouraged by the fact that the Security Council has been more consistently addressing the regional dimension of civilian protection. Furthermore, Security Council resolutions and peacekeeping mandates regularly identify key protection issues, including the deliberate targeting of civilians; forced displacement; the use of sexual and other forms of gender-based violence; the recruitment and use of child soldiers, in violation of international law; the need for unhindered humanitarian access at reasonable times and places; and the safety of United Nations and associated humanitarian personnel.

We are grateful to the delegation of the United Kingdom for their efforts on this draft resolution. We look forward to continuing negotiations on the text. As we once again reaffirm the commitment to reinforce and strengthen the protection of civilians in armed conflict and in resulting situations of humanitarian crisis, let us ensure that our words and intentions become actions.

The President: I shall now make a statement in my national capacity as the representative of the United Kingdom.

I have the honour of speaking also for the 25 members of the European Union and 10 other countries that have aligned themselves with this statement: Bulgaria, Romania, Turkey, Croatia, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of

Macedonia, Serbia and Montenegro, Iceland and Ukraine.

The full text of my statement will be circulated. I shall, to honour my own commitments, try to keep my statement slightly briefer than the full text.

First of all, I would like to join others in thanking Mr. Egeland for his briefing and Mr. Forster for his participation. The subject of today's debate is of huge importance; five years after the last Council resolution on this issue, the situation for civilians caught up in armed conflict remains critical.

It is time, we think, to take stock of what lessons have been learned, what progress has been made, what gaps need to be filled, and how best we can fill them. The European Union therefore supports the initiative that my delegation has taken within the Security Council to pursue this through a new draft resolution.

The gaps are very clear — prevention, protection, humanitarian access, impunity — and they can be filled only by combined action: action by parties to conflict, action by individual States concerned, action by the international community, and action by United Nations agencies and peacekeeping and peace support missions. At a political level, it requires us all to be alert and active.

We have to do better on prevention. Timely and adequate briefings to the Security Council by the Special Adviser, by the High Commissioner for Human Rights, by the Emergency Relief Coordinator and by other relevant parts of the United Nations system will help the Council act sufficiently early on in conflict situations to effectively protect civilians at risk.

As regards protection, parties to conflict must comply fully with the requirements of international humanitarian, human rights and refugee law, especially concerning the prohibitions on physical attack, sexual violence, the use of child soldiers and forced displacement. They must also ensure that specific measures for the protection of civilians are included in peace agreements. The United Nations must give peacekeeping missions the mandates and the resources to protect civilians, in particular those under imminent threat of physical attack.

Humanitarian access is a crucial part of protection. The right to food and the right to health are fundamental human rights, but the denial of humanitarian access is increasingly used as a political tool, and even as a weapon of war. All parties to conflict — as well as neighbouring States — must, as our draft resolution proposes, provide unimpeded access to humanitarian assistance and take all necessary measures to guarantee the safety, security and freedom of movement of humanitarian personnel. United Nations peace support operations must have the mandates and resources to ensure the provision of humanitarian assistance.

The investigation of crimes under international law committed against civilians, and the bringing of their perpetrators to justice, is vital — vital to deter future abuses, vital to provide some form of redress to victims, and vital to ensure that a page can be turned in a country's history. As the investigation by the International Criminal Court of atrocities committed in Darfur and northern Uganda shows, we cannot stand by while people — no matter how high their rank — get away with the most egregious crimes.

At the world summit three months ago, our heads of State and Government reached a historic agreement on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. My Government and the European Union regarded this outcome, embracing the concept at the highest level, as one of the most important of the summit. The responsibility to protect is a distinct concept, carefully set out in the World Summit Outcome. But it is clearly relevant to the issue of the protection of civilians in armed conflict, and it is only appropriate that it should be recalled in the draft resolution on which we are working.

Protection of civilians also includes the special protection needs of displaced persons, women and children. The draft resolution calls on parties to conflict to take concrete measures for the safe and sustainable return of displaced persons and calls for peacekeeping missions to have the mandates and the resources to guarantee this by, for example, providing security for and around displaced-persons camps.

Given the increasing incidence of sexual violence, child abduction and the use of child soldiers, it is more important than ever to have a strong message, as in the draft resolution, to all parties to a conflict to refrain from such actions. Peace support operations should be mandated to employ all feasible measures to prevent such crimes and to address their effects where they take place.

Finally, it would be wrong to address the issue of the protection of civilians in armed conflict without raising the issue of illicit small arms and light weapons. The European Union looks forward to working with other Member States in 2006 to review the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects to ensure that it remains relevant. We welcome the growing support, in all parts of the world, for an international treaty to establish common standards for the global trade in conventional arms.

I now resume my functions as President of the Security Council.

The next speaker on my list is the representative of Norway, to whom I give the floor.

Mr. Løvald (Norway): As we speak, millions of civilians are trapped in armed conflicts in several regions of the world. Although the number of conflicts has decreased during the last 10 years, today's conflicts tend to be protracted. They are often fought by groups using small arms, without clear command structures. In many cases the armed groups are unwilling to respect the rights of civilian populations to maintain neutrality, and this has devastating effects.

In protracted armed conflicts, civilians are subject to widespread violence, insecurity and displacement, with no protection against even the gravest breaches of international humanitarian law. As societal structures and common norms of behaviour gradually break down, the vulnerability of the population increases sharply. Women and children are at particular risk.

We have seen this happen again and again — in northern Uganda, in Darfur and in the Democratic Republic of the Congo, just to mention some of the situations of greatest concern. In northern Uganda, the humanitarian situation is precarious. Approximately 1.3 million internally displaced persons depend on humanitarian assistance that cannot be delivered with regularity due to the unstable security situation and the acute level of violence. The conflict between the Government forces and the Lord's Resistance Army is also having serious consequences for the whole region and is affecting the security of civilians in the neighbouring countries of the Democratic Republic of the Congo and the Sudan.

Sexual violence against women is a particularly serious problem in Darfur and the Democratic Republic of the Congo and it is more widespread than ever. Sexual crimes are not only being committed by the irregular armed groups, but also by those who have primary responsibility to protect: the armed forces and law enforcement agencies. Attacks on humanitarian organizations in the southern Sudan and in Darfur during recent months add to the fear that armed groups are targeting humanitarian personnel as part of their strategy. That situation makes protection of and access to civilians extremely difficult.

In his report to the Security Council, the Secretary-General points out that humanitarian assistance does not reach an estimated one third of the 25 million internally displaced persons. That is a growing problem. Nepal is one of the countries where such difficulties give reason for grave concern.

Norway fully shares the conviction expressed by the Secretary-General in his report that strict compliance with international humanitarian, human rights and refugee law, as well as international criminal law, by all parties concerned provides the best basis for ensuring the safety of the civilian population, whatever threats they are facing. A culture of impunity for mass atrocities can critically undermine long-term security. If peace and reconciliation are to be real and sustainable, they must be built on the rule of law. Impunity for breaches of international humanitarian and human rights law is totally unacceptable.

Norway strongly welcomed the 2005 World Summit Outcome (*General Assembly resolution 60/1*), which explicitly sets out our common responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Once again, we underline the great importance of the International Criminal Court (ICC) in that respect, serving as a final safety net provided by the international community for cases where there is no effective national mechanism to counter impunity.

A new Security Council resolution on protection of civilians must bring us closer to an effective international protection regime. It is our firm belief that the resolution must include a clear and unambiguous reference to the responsibility to protect. Furthermore, the particular role of the ICC in ending impunity and securing justice should be underlined in the resolution.

There is no doubt that the true challenge for the Security Council is effective implementation on the ground. A new and strengthened resolution will potentially bring us forward — but we have to continue focusing on implementation of already agreed texts that are far from fully implemented, such as Council resolutions 1325 (2000), on women, and 1612 (2005), on children in armed conflict.

Norway welcomes the data collection announced by the Secretary-General in his most recent report to the Council. Our responses to armed conflicts and our peacebuilding efforts must be based on sound knowledge of the situation and the needs of the victims. We would particularly like to draw the Council's attention to the need for empirical information on the situation of women and children in armed conflict, and on the recruitment and employment of child soldiers by warring factions, including States and non-State actors.

Mr. Al-Bader (Qatar) (*spoke in Arabic*): At the outset, I would like to apologize on behalf of Ambassador Al-Nasser, who is unable to make this statement as he had to travel outside of the United States.

I would like to join the others who have congratulated you, Sir, on your assumption of the presidency of the Security Council during the month of December, and would like to thank Council members, through you, for holding an open meeting to discuss this important matter.

The protection of civilians in armed conflict leads us to the basic reason for the establishment of the United Nations and for the promotion of respect for the rule of law, including international humanitarian and human rights law. As such, the provision of such protection is not an option, but a duty and a raison d'etre of the United Nations. It is one of the most important issues on the Council's agenda because of its close linkage to the maintenance of international peace and security.

We would like to commend the Secretary-General for his excellent report on this matter in document S/2005/740. The report clearly sheds light on the problem and on the road to achieve progress, and places the humanitarian aspect of the issue before the Council.

The State of Qatar expresses its grave concern over the proliferation of war and conflict in poor developing countries, where the majority of the victims are women, children and the elderly. Furthermore, war and conflict directly threaten international peace and security, adversely affect the sustainable development of small developing countries and consume valuable resources directed towards conflict resolution and peacemaking efforts. To that, we add the life-long scars and trauma that surviving victims often suffer, which alone become great impediments to progress and development.

We also note the dramatic increase in the recruitment of children and youth as soldiers and the use of civilians as human shields. Increasingly, modern wars are no longer confrontations between regular armies, but more like street and urban warfare fought by civilian rebels and uniformed soldiers — citizens of the same country — or local conflicts raging among civilian factions. Such non-conventional battles are extremely lethal, with no marked distinction between combatants and non-combatant civilians and a total lack of respect for law.

My delegation notes with concern that civilians are the most adversely affected parties in armed conflicts and that, by comparison in many instances, fatalities and injuries are disproportionately high among civilians, despite the fact that they do not participate in combat activities. Moreover, civilians are often attacked and tortured and are subject to other serious violations of international humanitarian and human rights law.

Targeting United Nations and other humanitarian personnel who work in the humanitarian field is clear evidence of the increasingly vulnerable environment in which they live, attacked and killed as they often are because of the lack of any security guarantees. The international community and the United Nations should continue to denounce and strongly condemn such violations and attacks, which are cowardly and inadmissible acts.

We should therefore spare no effort to mainstream questions pertaining to the protection of civilians into State policies, United Nations programmes and the mandates of peacekeeping operations. Those questions must include reporting human rights violations and taking the necessary legal actions, as well as putting in place strict special

measures to protect women and girls from rape and other forms of violence and exposure to HIV/AIDS infection and the destruction of homes and property, as well as to put an end to the displacement of entire communities.

Member States should guarantee the success of efforts aimed at capacity-building in this field. They must also be encouraged to sign and ratify existing legal instruments within the wider framework of protecting civilians in armed conflict. Pressure must be also brought to bear on belligerent parties to bring them into compliance with the rules and principles of international law. The United Nations has an important role to play in that regard. It is impossible to develop a culture of protecting civilians in armed conflict unless all stakeholders adequately coordinate their actions. The time has come to act seriously and decisively and to pursue an integrated and systematic approach to preventing the outbreak of conflict, promoting a culture of respect for human rights and putting an end to impunity from law. Failure to take such action would mean that the universal culture of protecting civilians pursued by the international community had failed.

We would like to emphasize that the protection of civilians — whether in times of transition and armed conflict or while fighting terrorism — should be anchored in respect for international humanitarian, human rights and refugee laws. Respect for the relevant instruments requires raising awareness among the ranks of protagonists to ensure that they shoulder their responsibilities. We must end impunity from law at the national and international levels. Since protagonists include States, and in particular their armed and police forces, as well as non-State armed groups, we should underscore the fact that the fundamental humanitarian principles of independence, integrity and neutrality apply to this question in all circumstances. Respect for those principles is a sine qua non condition for the creation of an adequate environment for humanitarian intervention, whether inside or outside the United Nations umbrella.

Last but not least, the State of Qatar is determined to spare no effort to promote those principles and values during its tenure as a non-permanent member of the Security Council for the period 2006 to 2007. We call on the Council to use monitoring mechanisms and fact-finding missions and to end the illicit trafficking in small arms and light weapons, given the adverse impact of such weapons on civilian populations. We also believe that the Council should devote more attention to the impact of armed conflict on women and girls, and in particular to the use of sexual violence as a weapon and tool of war and suppression, take steps to end the forced displacement of populations and pursue further approaches and measures to protect civilians in armed conflict. We want the dignity of women to become the centre of the international community's attention. We also need to ensure that terrorist groups committing such atrocities do not escape punishment, as mentioned in the Security Council's presidential statement of 14 April 2004. We would also like to reaffirm that the 1949 Fourth Geneva Convention remains entirely in effect, and should therefore be complied with in all circumstances.

The President: As the representative of Qatar has noted, both he and Ambassador Al-Nasser will of course have many opportunities to speak in the Council in the course of the next two years.

I now give the floor to the representative of Slovakia, who is in the same position.

Mr. Burian (Slovakia): First of all, I would like to thank you, Mr. President, for organizing this important debate.

We fully align ourselves with the statement made by the representative of the United Kingdom on behalf of the European Union, in which he stressed the need to address the wider scope of issues associated with the protection of civilians in armed conflict and identified many existing gaps in international humanitarian law in that area.

Even years after Srebrenica and Rwanda, we are still witnessing attacks motivated by ethnic or religious hatred or political confrontation, sexual violence, the killing of civilians and other grave violations of human rights and international humanitarian law in conflict regions such as Darfur, northern Uganda, Côte d'Ivoire and the Democratic Republic of the Congo, among others. We cannot be neutral or indifferent when other human beings are suffering.

Slovakia is therefore deeply concerned about the continued blatant disrespect for international humanitarian law on the part of armed groups and State and non-State actors in armed conflicts against civilians. We welcome the continuing endeavour by the Security Council and the entire international community to strengthen the protection of civilians,

especially the most vulnerable groups, such as women and children. The international community must continue to adopt and implement feasible measures to put an end to such grave violations of human rights and humanitarian law.

The establishment of a culture of protection, which Secretary-General Kofi Annan called for a few years ago, should become a reality. The implementation of the principle of the responsibility to protect, which was outlined during the World Summit this past September, into the international legal system is without doubt a major step in that direction. Further development and enactment of the principle of the responsibility to protect should also be continued through a new Security Council resolution on the protection of civilians.

In the World Summit Outcome, world leaders agreed that, as appropriate, the international community should encourage and help States to exercise their responsibilities and support the efforts of the United Nations to establish an early warning capability. Those commitments must be reflected in practical measures. In that regard, we welcome the activities of the Office for the Coordination of Humanitarian Affairs undertaken as part of its advocacy and dissemination work with regard to the protection of civilians in armed conflict. That work has been organized with the support of the Security Council and interested Member States and has included a series of regional workshops on the protection of civilians, in an effort to broaden the audience for protection policies and mainstream them into the decision-making processes of Member States.

On the other hand, as the organ with the primary responsibility for the maintenance of international peace and security, the Security Council has a special role to play in addressing the issue and in strengthening the response capabilities of the international community. It must ensure an immediate, decisive and rapid reaction to emerging situations of massive attacks on civilians and their livelihoods. Political questions or selfish national interests should not be obstacles to the international community's taking action through the Security Council, including through the application of the principle of the responsibility to protect, especially in situations when governmental institutions are unable or unwilling to implement feasible measures for the protection of civilians. Of course, the international community must be equipped with credible and effective legal and coercive instruments.

Only a few days ago, on 7 December, in the region of western Darfur, armed militia forces attacked the town of Kongo Harasa and destroyed all water wells built by humanitarian workers. That is another example of the kinds of atrocities committed against civilians. We are convinced that attacks on basic infrastructure necessary for survival, such as sources of drinking water and crops, should also be considered as direct attacks against civilians, and should therefore be addressed by international criminal and humanitarian law. The international community should not only condemn attacks that target the very livelihoods of people, but also prosecute those who perpetrate such inhuman acts.

I wish to assure you, Mr. President, that Slovakia, as an incoming non-permanent member of the Security Council, considers the issue of the protection of civilians as one of its priorities, and will devote increased attention to that question during its tenure.

The President: I call on the representative of Pakistan.

Mr. Akram (Pakistan): Let me begin by extending our warm felicitations to the United Kingdom delegation on assuming the presidency of the Council for this closing month of the year. That has no doubt added to its already onerous responsibilities in its capacity as the presidency of the European Union.

I would also like to take this opportunity to express our appreciation to Ambassador Denisov and the Russian delegation for their able stewardship of the Council last month.

Pakistan welcomes the convening of this open debate. Let me thank Under-Secretary-General Jan Egeland and Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross, for their informative briefings. We hope the views expressed here by members of the Council and non-members will contribute to evolving a more effective response of the international community to the complex challenges related to the protection of civilians in armed conflict.

The latest report of the Secretary-General provides useful insight into the entire range of issues related to the protection of civilians in aimed conflict. An overall decrease in the number of armed conflicts since the 1990s is indeed encouraging. However, in

today's armed conflicts, violations of human rights and international humanitarian law have escalated, with tragic consequences for civilians, especially women, children and minorities. As observed by the Secretary-General,

> "[i]n the new warfare... the impact of armed conflict on civilians goes far beyond the notion of collateral damage. Targeted attacks, forced displacement, sexual violence, forced conscription, indiscriminate killings, mutilation, hunger, disease and loss of livelihoods collectively paint an extremely grim picture of the human costs of armed conflict." (*S/2005/740, para. 3*)

That is a sad commentary on the poverty of implementation of the entire body of international humanitarian and human rights law that codifies the protection of civilians.

A comprehensive response entails the proper identification of underlying problems, which are multidimensional — legal, moral, political, cultural, social and economic. One reason for the escalation in violations is the changing nature of conflicts, which are now more likely to be internal wars than inter-State conflicts. Ethnic and religious conflicts, the most common type of civil war, are by their very nature directed against entire populations, including civilians.

Secondly, in many instances, it is the politics of poverty that lead to and exacerbate conflicts, involving competition between groups, including civilians, for scarce resources. Here again, civilians are usually in the front line.

Thirdly, the empirical evidence of recent and old history shows that systematic and consistent violations of the rights of civilians are most frequent and pervasive in situations of foreign occupation and suppression of the right of peoples to self-determination. The list of places mentioned in the Secretary-General's report where the gravest violations of international human rights and humanitarian law are taking place amply illustrates that point. The list, however, is not exhaustive. It excludes, for example, a situation that is of particular concern to my country and in which the most blatant violations have been and are being perpetrated against civilians. An important question that should be posed is how to protect civilian populations when their very suppression is the object of the conflict. Moreover, the rationale of suppressing terrorism should not provide an escape route for the suppression of civilians seeking respect for their fundamental rights, including the right to self-determination.

The challenges of addressing gross violations of international human rights and humanitarian law are also exacerbated by the problem of inequity in the international response. In some situations, there is a quick and even robust response; in others, the perpetrators enjoy virtual impunity at both the national and the international levels. Most often, there is sufficient public concern, but insufficient political will to act. The record of the Security Council itself in that context is not without blemish. In the circumstances, it is vital to reinforce the concept of the protection of civilians in all — I repeat, all — such situations of violations.

Indeed, the desire proclaimed at the 2005 summit to protect populations from genocide, crimes against humanity, war crimes and ethnic cleansing can be fulfilled only if there are established standards to ensure a uniform and timely response to all situations in which such crimes occur or are likely to occur. And if powerful bodies, such as the Security Council, are unable to act, the international community should consider utilizing the Charter authority of the General Assembly to do so. It can also utilize international judicial mechanisms for that purpose.

Apart from the decisions taken in the past, the Pakistan delegation would suggest that some concrete and practical actions be contemplated to ensure the protection of civilians in armed conflict.

First, all States should undertake a binding legal obligation to observe and respect international humanitarian law and refrain from and oppose genocide and war crimes. That obligation could be created, preferably, through an international treaty or protocol.

Secondly, much greater emphasis is required on preventing the outbreak of conflicts. The Secretary-General and other United Nations mediatory mechanisms can and must play a more active role in conflict resolution under Chapter VI and other provisions of the Charter. The Secretary-General and this Council have a clear right to insist on a mediatory role in inter-State conflicts, but even in internal situations, an early and active role could be pursued —

perhaps with discretion — by the United Nations, together with other influential partners.

Thirdly, international monitoring can play an effective part in preventing violations against civilian populations. Where the danger of conflict is perceived, States should be asked to accept a United Nations or impartial international presence. Where a conflict has broken out, the United Nations should apply a standard operating procedure of dispatching a fact-finding mission, including for the purpose of observing and reporting on the treatment of civilians. That would facilitate both a political and a humanitarian response. In that context, particular attention should be paid to the need to abrogate draconian laws and similar legal or administrative measures that allow arbitrary detention, torture and extrajudicial executions.

Where United Nations peacekeeping or observer missions are already deployed, their mandates should include observation of and reporting on the treatment of civilian populations and, where possible, measures to offer them protection. Adequate resources should be provided to peacekeeping missions for that purpose.

Lastly, the humanitarian response to situations of violations should be adequate and timely. For that purpose, the United Nations humanitarian capacity should be enhanced, predictable financing provided and coordination reinforced. States should undertake to allow United Nations assistance to all affected civilian populations. There should be no "no go" areas where civilian populations are under serious threat.

Collective action and multilateral solutions to today's conflicts offer the best hope for millions of civilians who are trapped between death and despair. We must not fail in responding to this challenge. We must act boldly in all situations where the survival of millions of civilians caught in the vise of violence and war is threatened.

The President: I now give the floor to the representative of Liechtenstein.

Mr. Ritter (Liechtenstein): I would like at the outset to apologize for the fact that Ambassador Wenaweser, the Permanent Representative of Liechtenstein, is unable to be here because he is attending a briefing being given by the Secretary-General at this very moment.

The world summit made it clear yet again that the protection of civilians in armed conflict is a major challenge for and concern of the international community. Several important decisions were taken by our leaders at that summit and are reflected in the 2005 World Summit Outcome (General Assembly resolution 60/1). They range from the affirmation of the responsibility to protect and a particular emphasis on the pressing need to adequately address all forms of violence against women and children, to the resolve to increase the protection of internally displaced persons and to ensure the safe and unhindered access of humanitarian actors to populations in need.

The call of our leaders to conclude negotiations on an optional protocol to the Convention on the Safety of United Nations and Associated Personnel was also of particular importance. We are pleased to note that the General Assembly adopted that Protocol just yesterday, providing for substantial expansion of the scope of legal protection for such personnel. We invite all States to become parties to both the Protocol and the 1994 Convention, in order to strengthen and universalize that important legal regime.

The recognition of the responsibility of the international community to protect civilian populations when their Governments fail to do so constitutes a major breakthrough in our common endeavour to prevent genocide, war crimes and crimes against humanity. The main obligation for its implementation naturally falls on the Security Council. The Secretary-General's Special Adviser on the Prevention of Genocide can play an important role in that respect. The Council must ensure that disgraceful inaction, as was seen in the case of the genocide in Rwanda, cannot occur again.

That responsibility leads almost inevitably to the conclusion that collective action to prevent and respond to genocide, crimes against humanity and war crimes must not be made impossible by a non-concurring vote of one of the permanent members of the Council. That principle was proposed by the High-level Panel on Threats, Challenges and Change and has been taken up in a draft resolution on the working methods of the Security Council prepared by a group of countries including Liechtenstein.

The rest of the membership also has responsibility in this respect, in that it can bring situations to the attention of the Security Council in open debates and by other means. In particular, article 8 of the Convention on the Prevention and Punishment

of the Crime of Genocide, which was adopted on this day in 1948, allows any contracting party to call upon the competent organs of the United Nations to take appropriate action.

The achievement concerning the responsibility to protect makes the absence of a reference to the issue of impunity in the World Summit Outcome even more anachronistic. More advances have been made in that area than in most others. Transitional justice is an inevitable element of any serious discussion of post-conflict situations. There is now a close and well established relationship between the International Criminal Court and the United Nations, as a result both of the adoption of a Relationship Agreement between the two organizations and of the Security Council's referral to the Court of the situation in Darfur.

Prevention is, indeed, the key aspect in the protection of civilians. Preventive action can be effective, however, only if it is made clear that abuses against civilian populations, often carried out against their most vulnerable members, in particular women and children, are violations of international law that will not go unpunished. An unequivocal and firm stance by the Security Council that there will not be impunity for such crimes would have a strong deterrent effect in any situation and would thus serve as a very useful tool of prevention.

Such a firm stance by the Security Council was expressed by the adoption of resolution 1612 (2005) on children and armed conflict. Our leaders welcomed that resolution as a landmark decision and reaffirmed their commitment to promote and protect the rights and welfare of children in armed conflict. We commend the convening of the first meeting of the Council's Working Group, and look forward to the full information of the resolution. In order to assess the progress made in that regard, we would welcome a decision by the Council to hold an open debate on the issue during the first quarter of next year.

One of the most tragic aspects of our collective failure to adequately protect civilians in situations of conflict over the past five years is, as the Secretary-General's report points out, the fact that women and children have continued to suffer extraordinary hardship and violence. It is high time to reverse that trend and to take effective measures that have a tangible impact on the ground. The adoption of a strong resolution on the protection of civilians, which also responds to the need for more consistent and accurate reporting of protection-related incidents, would certainly go a long way towards achieving that goal.

The President: I now give the floor to the representative of the Republic of Korea.

Mr. Choi Young-jin (Republic of Korea): In this era of globalization, the nature of conflicts has radically changed. Classic inter-State wars have virtually ended. Seeing no profit in it, nations avoid war. Instead, we are witnessing a marked rise in intra-State conflicts based on ethnic, religious or cultural differences. In such intra-State conflicts, the proportion of civilian victims has increased drastically. According to a study, civilian casualties made up just 5 per cent of all casualties during the First World War, while in the Second World War that number increased to 50 per cent. Civilian casualties now constitute a staggering 90 per cent. In the new kinds of conflicts prevalent today, civilians are harmed in various ways, including by forced displacement, forced conscription, violence, indiscriminate killing, starvation, disease and loss of livelihood.

My delegation would like to emphasize three issues that we believe are important in protecting civilians more effectively from armed conflict: focusing on vulnerable people, taking a regional approach and ending impunity.

First, we should keep in mind that the most vulnerable people in armed conflict are women and children. Indeed, acts of sexual violence against women continue to be committed in many conflict situations, while children are frequently recruited or abducted and used as soldiers. In view of the serious, lasting social impact of such egregious crimes and the physical and psychological harm they inflict upon their victims, effective protection measures are urgently needed.

Secondly, we note that violence against civilians in a given country directly affects the surrounding region as a result of refugee flows, environmental degradation and the proliferation of illicit arms trading. Meanwhile, the role of neighbouring countries is crucial to ensuring humanitarian access to civilians in regions of conflict. The protection of civilians in armed conflict therefore requires the further strengthening of regional cooperation. We welcome the efforts of regional organizations such as the African Union to

protect civilians while peacekeeping and peacebuilding efforts are ongoing. Regional organizations should be further supported to facilitate such efforts.

In this regard, we welcome the inclusion of the concept of the responsibility to protect in the outcome document of the 2005 world summit (General Assembly resolution 60/1). The United Nations should continue to discuss ways to put it into practice. It goes without saying that national authorities have the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. But when national authorities fail to exercise their responsibility to protect, the international community should use various means to help them to meet those responsibilities, including through measures taken by the Security Council under Chapter VII of the Charter.

Thirdly, in order to prevent the recurrence of crimes against civilians, the culture of impunity must be brought to an end. In this regard, the establishment of the International Criminal Court (ICC), the ad hoc International Criminal Tribunals for the former Yugoslavia and for Rwanda and the Special Court for Sierra Leone has great significance. Also crucial to ending impunity is providing assistance for judicial capacity-building in war-torn societies, with a view to ensuring that law and order is restored.

In our globalized world, threats are interconnected. No State can protect itself by acting alone. Today's topic — the protection of civilians in armed conflict — is an emerging security concern that requires coordinated multilateral responses from the international community. Building upon the progress already made, we should redouble our common efforts to achieve a more secure and orderly world in which every human being is respected and protected under the rule of law.

The President: I now give the floor to the representative of Spain.

Mr. Yañez-Barnuevo (Spain) (*spoke in Spanish*): I wish at the outset to thank the Council presidency for having convened what we consider to be an extremely important debate. Spain fully endorses the statement made earlier by the representative of the United Kingdom on behalf of the European Union.

Today's discussion joins other fairly regular Council debates on an item of great importance, given the scale of the problems associated with the protection of civilians in armed conflict — whose dimensions have in recent years become a matter of particular concern. Much of this is due to the predominantly internal nature of conflicts and to the fact that the majority of conflicts continue at a low level of intensity which inflicts the bloodiest suffering on civilian populations, both urban and rural.

Let us recall that the main responsibility for the protection of civilian populations, including internally displaced persons, lies with national authorities. But where the State in question is unable to protect civilian populations on its territory it is incumbent on the international community to shoulder the responsibility, making use of appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, or when appropriate making use of enforcement measures pursuant to Chapter VII, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The outcome document of September's General Assembly summit (General Assembly resolution 60/1) set this concept out as a major advance in the action of the international community, and we cannot fail to welcome this.

Of particular concern is the need to ensure access to affected populations by humanitarian personnel and humanitarian assistance in situations in which the State or party to the conflict responsible for providing such access is unable or unwilling to do so. As the Secretary-General notes in his report (S/2005/740), and as the United Nations Emergency Relief Coordinator has indicated, in 2004 United Nations agencies were denied access to an estimated 10 million people in need of assistance. Grave security conditions not only hamper access for such assistance; often, they also make it necessary to remove humanitarian personnel temporarily, leaving affected populations without support or assistance of any kind. The case of Darfur provides a clear example of this.

At the same time, it is vital that those responsible for committing atrocities against civilian populations not go unpunished. Once again, it is the State in whose jurisdiction the crimes are committed that bears primary responsibility for ensuring that. Should such a State be unable or unwilling to do so, the international community must use all means at its disposal to combat impunity for especially serious violations. Such means include transitional justice, truth commissions,

special or joint tribunals and, in a broader framework, the International Criminal Court, which should play — and in certain cases already is playing — a key role in investigating and bringing to trial the perpetrators of genocide, crimes against humanity and war crimes.

Let me turn now to the leading role that can be played by the International Fact-Finding Commission created under article 90 of Additional Protocol I to the Geneva Conventions, relating to the protection of victims of armed conflicts — in this context, civilian populations in particular. The Commission, whose jurisdiction has already been accepted by 68 States, can help ensure compliance with the rules of international humanitarian law, in particular those relating to the protection of the victims of armed conflict, not only through investigation and fact-finding with respect to alleged violations of the relevant rules, but also by using its good offices to facilitate a return to respect for the Geneva Conventions and the Additional Protocol. This fully justifies the reference to the Commission's functions in resolution 1265 (1999), the first of the Council's resolutions on this matter.

In that regard, we welcome the visit to New York by a delegation from the International Fact-Finding Commission, led by its President, Sir Kenneth Keith. We are confident that this visit will enable us all to become familiar with the activities the Commission can undertake, with a view to increasing the number of States accepting the Commission's jurisdiction and encouraging the parties concerned that they should have recourse to it. The Commission is a unique instrument for ensuring the proper implementation of international humanitarian law and for helping prevent recurrent violations of the rules governing armed conflict.

For that reason, we believe that consideration should be given to the establishment of formal channels by which cooperation between the United Nations and the International Fact-Finding Commission can be strengthened, with a view to realizing the potential of the Commission's activities in terms of the work of the Organization, particularly in the sphere of the protection of civilian populations in armed conflict.

The President: I now give the floor to the representative of Rwanda.

Mr. Kamanzi (Rwanda): My delegation wishes to put on record its appreciation to the delegation of the United Kingdom for scheduling this very important and timely meeting, which has provided my Government with an opportunity to take stock of the achievements made during the more than five years since the Security Council adopted its first resolution on the protection of civilians in armed conflict, resolution 1265 (1999), and to reflect on those areas where action remains inadequate. Allow me also wholeheartedly to congratulate the Secretary-General on his comprehensive and very enlightening report (S/2005/740) on the matter.

The Security Council's agenda on the protection of civilians in armed conflict addresses a broad spectrum of violations of fundamental rights, violations that target the innocent civilian populations. In such circumstances, those populations are threatened with a wide range of abuses, including those condemned in the relevant internationally agreed instruments pertaining to the promotion and protection of human rights.

It is imperative to underline that the protection of civilian populations in armed conflict is strictly mandatory for all States and all parties concerned in a situation of armed conflict. A higher threshold in that respect, however, should be contemplated in those situations where populations are at risk of genocide or other large-scale atrocities. One most important and far-reaching development in this regard is the commitment made by heads of State or Government at September's world summit to protect civilians from genocide, ethnic cleansing, crimes against humanity and war crimes. My Government wishes to seize this opportunity to reiterate its sincere gratitude to all delegations for their solemn adherence to that commitment.

My Government is of the view that the agreement and the settlement by our heads of State and Government in the world summit was a recognition that collective action is the only way forward if we are to free humanity once and for all of such grave violations, which have been recurrent in recent decades in many parts of the world. It was recognition that business as usual is inadequate and can no longer prevail.

We firmly believe that the responsibility for protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity lies first and foremost with the State itself, as articulated in the

World Summit Outcome (General Assembly resolution 60/1). Yet we also contend that collective responsibility is needed, and we support all courses of action envisaged in the outcome resolution, including with regard to the international community being prepared to act in a timely and decisive manner through the Security Council in accordance with the Charter, including Chapter VII, where a State is manifestly failing to protect its populations from those atrocities, whenever necessary and appropriate.

Given that reference to the undeniable role of the Security Council in that respect, we believe it is appropriate for the Council to support this important development on the agenda for the protection of civilian populations. We urge the Council to seriously consider including in the draft resolution under consideration an expression of its willingness to discharge its mandate and to act accordingly by endorsing the commitment set out in the outcome resolution of the world summit regarding the responsibility to protect populations from genocide, war crimes and ethnic cleansing.

The safety of civilian populations in all circumstances, let alone situations of armed conflict, is the very foundation of the legitimacy of the nations in the name of which we stand. The claim of the principle of national sovereignty will be fully valid only when all our nations, individually or collectively, will have turned their commitment into effective action and when they will have set up appropriate preventative and protective mechanisms to uphold that safety. Empowering relevant bodies such as the Security Council to take up that challenge is the first step forward, which we cannot afford to overlook.

The President: Does the Under-Secretary-General wish to comment in response to the various contributions we have heard in the course of today's debate?

Mr. Egeland: I shall make a few concluding remarks. First, we are very grateful indeed for the many expressions of support through this long debate. This has been a year of disasters and conflicts like no other. We need your continued support and encouragement. We need you to help us help the people in the field do a better job in protecting civilians.

I think this debate has underlined the importance of mainstreaming protection, providing a clear focus for future action in addressing some of the critical gaps in implementation. I am glad to hear that Council members feel that the Secretary-General's report contributes to the Council's developing a more strategic and systematic perspective.

Throughout the debate here today there was recognition of the needy to increase mechanisms for peacemaking and conflict prevention as one of the main tools for the protection of civilians. A number of countries — I recall China, Algeria, Egypt — emphasized the need to address the root causes of conflict and to end conflict. The importance of addressing the root causes of conflict and devoting greater efforts to conflict prevention cannot be understated. I think no one sees this more clearly than our humanitarian workers in the field. We see the importance of our work, but we also see its limits. As I said this morning, effective humanitarian action — keeping people alive — can never be an alibi for real efforts to end a conflict and provide security for those whom we feed and cloth and give emergency medical assistance.

Today once again we focused mainly on Africa and the unresolved African conflicts and protection crises. I also very much recall the situation reported by the Permanent Representative of the Government of Iraq. With 30,000 civilians killed, according to him, it is one of the most acute protection crises in the world today. It only serves to emphasize the scale and complexity of the problems facing us. I would like to extend my deepest condolences to the victims of conflict and violence in Iraq and in all the countries in Africa, in Asia, and the Middle East and Latin America, and elsewhere where we have protection problems.

I am also pleased to hear that the Government of Uganda today repeated that a negotiated outcome is still on the table for northern Uganda, as was expressed by the Permanent Representative. We condemn the senseless violence of the Lord's Resistance Army and its leader, Joseph Kony, but it must also be recognized that the problems created cannot be addressed solely by military means. The conflict has lasted for 19 years, and now all efforts must be used to reduce violence and save lives.

I repeat that resources devoted to peacemaking, to the root causes of the conflict and to security efforts for the most vulnerable are totally inadequate. The recently documented death rates among displaced

populations in northern Uganda are at crisis levels, considerably higher now than even those in Darfur, where effective humanitarian action has reduced mortality levels. However, Darfur is also a situation, described by the colleague from the United States, where developments are getting worse and where the protection crisis is deepening. The international community can begin to assist in addressing this only if there is sustained access by the international community to all the displaced, an access that of late has been reduced both in northern Uganda and in Darfur.

It was mentioned in the debate that we in the humanitarian organizations must always observe humanitarian principles. Over the past five years humanitarian organizations have done considerably more to ensure the impartiality of humanitarian work and that we are always reaching those with the greatest needs in an impartial manner. We are improving the instruments at our disposal in line with relevant General Assembly resolutions in order always to respond impartially and to provide more predictable assistance wherever it is required.

I think our neutrality has been strengthened by improved guidance and training with military forces in areas of civil-military cooperation to ensure a better understanding of the respective roles and responsibilities of military and civilian actors, to prevent a blurring of roles. Improved training for humanitarian coordinators and greater internal awareness within humanitarian organizations themselves have also reinforced humanitarian principles. We have also worked with Governments in areas affected by conflict to support them in their responsibilities and to clearly identify the protection needs of their populations.

Moreover, as this debate underscored, the protection needs of civilians are still considerably greater than our capacity to meet those needs. Because humanitarian access has increased in many areas, there is a need for protection activities and services. One such area — not mentioned today — is the Democratic Republic of the Congo, where we have much better access than in previous years. We have provided medical and psychosocial support to women and children who have been raped; we have reunited children with their families; and we have helped people to obtain the documentation they need to gain access to basic services.

As was recalled by the representative of Denmark, among others, we are developing a search protection standby capacity — PROCAP, as it is called. One-hundred people stand by to go anywhere in the world to carry out protection work as humanitarians and human rights workers. The new Central Emergency Response Fund, which we hope will be agreed very soon at the level of the General Assembly, will be a financial mechanism that can be used to allow early action to save lives and reduce the prospects of displacement, about which so many speakers raised concerns today. Other reforms — including the development of cluster leadership approaches among all humanitarian actors — will also enable us to respond more predictably where urgent needs for protection and humanitarian assistance exist.

The importance of more accurate reporting to the Security Council was highlighted here today by a number of representatives of Member States. I, too, have underlined the importance of providing the Council with accurate global information. As my predecessor, Ambassador Oshima, stressed on behalf of Japan, that is not an easy task, and our progress in developing comprehensive information systems has been slower than I would have wished. We have established the parameters for a reporting framework, however, in agreement with the relevant United Nations agencies and departments, and have established links with many relevant academic research institutions. The next report of the Secretary-General will — I am sure, and I promise — show the fruit of that collaboration.

The representative of the Russian Federation stressed the importance of ensuring the implementation of the first two Council resolutions on the protection of civilians in armed conflict: resolutions 1265 (1999) and 1296 (2000). I agree wholeheartedly that that is imperative. All of us — Governments, parties to conflict, regional organizations, the Security Council, peacekeeping missions and we in the humanitarian community — need to do much more to implement those important resolutions so that we can improve our response to the ongoing protection concerns.

At the same time, as I said in my opening statement, we now need a new resolution that reflects relevant developments over the past five years in order to guide and strengthen our future work in 2006 and beyond. I urge Council members to redouble their efforts to adopt not only a resolution, but a strong

resolution, and to keep in the forefront of their minds the children, women and men suffering daily in conflict situations, for whom that resolution must make a concrete difference.

Once again, I thank you, Mr. President, for presiding over today's debate, which has been most important and valuable to me, to my team and to all of us humanitarian actors who are working together to do our part to protect civilians in need.

The President: Thank you, Mr. Egeland, not only for that contribution, but for staying with us as long as you have today. Given all your other pressing concerns, that is particularly appreciated.

I now give the floor to Mr. Dominique Buff of the International Committee of the Red Cross to make a final comment.

Mr. Buff (International Committee of the Red Cross): I should just like to tell you once again, Mr. President, how much the International Committee of the Red Cross — and particularly our Vice-President, who had to leave — appreciated your invitation and the opportunity for the Committee to address the Council this morning on this extremely important issue.

The President: I thank all those who contributed to this debate, as well as those who observed it and listened to it.

The discussion on the draft resolution on this subject will now continue. My hope is that that discussion will draw upon the richness of the debate we have had today and that, over the course of next week, we can move to finalize and adopt a text. That is what the President of the Council will try to deliver.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.05 p.m.

United Nations S/PV.5320

Security Council

Sixtieth year

Provisional

5320th meeting

Monday, 12 December 2005, 5.05 p.m.

New York

President	Sir Emyr Jones Parry	(United Kingdom)
Members	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Tarrisse da Fontoura
	China	Mr. Zhang Yishan
	Denmark	Mr. Faaborg-Andersen
	France	Mr. De La Sabliere
	Greece	Mr. Vassilakis
	Japan	Mr. Haneda
	Philippines	Mr. Cato
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Republic of Tanzania	Mrs. Taj
	United States of America	Mr. Bolton

Agenda

The situation in the Middle East

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-63728 (E)

The meeting was called to order at 5.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President: I should like to inform the Council that I have received a letter from the representative of Lebanon in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Assaf (Lebanon) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council condemns in the strongest terms the 12 December terrorist bombing in the suburbs of Beirut that killed Lebanese member of Parliament, editor and journalist Gebrane Tueni, a patriot who was an outspoken symbol of freedom and the sovereignty and political independence of Lebanon, as well as three others. It expresses its deepest sympathy to the families of those killed and injured.

"The Security Council reiterates its deepest concern about the destabilizing impact of political assassinations and other terrorist acts in Lebanon. It reiterates also its warning that the sponsors of today's and previous terrorist attacks against political leaders and leading members of civil society in Lebanon, whose obvious aim is to undermine Lebanon's security, stability, sovereignty, national unity, political independence and press freedom, will not be permitted to succeed and will finally be held accountable for their crimes.

"The Security Council welcomes the determination and commitment of the Government of Lebanon to bring to justice all those responsible for this assassination and others before, and expresses its readiness to consider positively any request for assistance in this regard from the Lebanese Government.

"The Security Council reaffirms its resolution 1559 (2004), and reiterates once again its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon. The Security Council urges all States, in accordance with its resolutions 1373 (2001) and 1566 (2004), to cooperate fully in the fight against terrorism."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2005/61.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.15 p.m.

United Nations S PV 5321

Security Council

Sixtieth year

Provisional

5321st meeting

Tuesday, 13 December 2005, 10 a.m.
New York

President	Sir Emyr Jones Parry	(United Kingdom)
Members	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	Denmark	Mr. Faaborg-Andersen
	France	Mr. Duclos
	Greece	Mr. Vassilakis
	Japan	Mr. Kitaoka
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Rogachev
	United Republic of Tanzania	Mrs. Taj
	United States of America	Mr. Brencick

Agenda

Reports of the Secretary-General on the Sudan

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-63901 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

It is so decided.

I should like also to welcome the presence of the Secretary-General, Mr. Kofi Annan.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court. I now give him the floor.

Mr. Moreno-Ocampo: I welcome the opportunity to address the Security Council once again on the activities undertaken by my Office since my first report on 29 June 2005. The current reporting period coincides with the first phase of the investigation. As the Council is aware, I launched the investigation on 1 June 2005.

In the first phase, my Office has made good progress in gathering facts relating to the universe of crimes alleged to have taken place in Darfur as well as to the groups and individuals responsible for those crimes.

In order to carry out the investigation, my Office has completed its recruitment of a multi-disciplinary team and has developed the essential infrastructure for the management and analysis of large quantities of information and evidence. We are also addressing the challenge of identifying and training impartial and effective interpretation and translation services.

In accordance with the policies and strategies of the Office, in the coming second phase the investigation will focus on a selected number of criminal incidents and on those persons bearing the greatest criminal responsibility for those incidents.

My Office has collated a comprehensive picture of the crimes allegedly committed in Darfur since 1 July 2002. From that overall picture, we have identified particularly grave events, involving a large number of killings, mass rapes and other forms of extremely serious gender violence, for full investigation.

We continue to monitor ongoing violence. Attacks on humanitarian workers and facilities remain prevalent, including incidents involving the killing of African Union peacekeepers. The impact of those crimes on the delivery of humanitarian assistance and on efforts to secure peace and stability in Darfur has been highlighted recently in the November report of the Secretary-General on Darfur. In some instances, those crimes may fall within the jurisdiction of the Court. I encourage national and international organizations suffering such attacks to take steps to record and preserve information and evidence and to provide those materials to us.

There continues to be a great deal of speculation about the list of 51 names prepared by the International Commission of Inquiry on Darfur. As I have said before, that list, which remains sealed, represents the conclusion of the Commission of Inquiry and is in no way binding upon the Prosecutor. In addition, it should be emphasized that the activities and objectives of the sanctions Committee and the Panel of Experts established by resolution 1591 (2005) are entirely distinct from the work of my Office.

We will conduct our own independent assessment of available information in accordance with our policies and the Rome Statute. At the proper time, we will present that information to the judges. In the coming months, upon completion of that first investigative phase, my Office will identify persons to be prosecuted, subject to article 53(2) of the Rome Statute and will present that information to the judges. I would like to emphasize that no decision has been taken at this stage as to whom to prosecute.

Witness protection is an issue of paramount concern to the Court. As I have already indicated, the current security situation in Darfur remains volatile, with ongoing violence and attacks. The establishment of an effective system for the protection of witnesses

and victims is a precondition to the conduct of investigative activities in Darfur. Given the prevailing climate of insecurity and the current absence of an effective system of protection, investigative activities have so far taken place outside Darfur.

Despite those limitations, significant progress has been made in the investigations, thanks to the information and other forms of assistance provided by States and organizations. We have identified witnesses in 17 countries. Well over 100 potential witnesses have been screened, and a number of formal statements have already been taken. We are currently screening hundreds of additional potential witnesses, either directly or with the assistance of States and organizations. To facilitate that process, my Office has established a semi-permanent presence in the region, which provides logistical, security and other support to the process of witness identification and interview.

The International Criminal Court is complementary to national criminal jurisdictions. In accordance with article 53(2)(b) of the Rome Statute, the legal test is specific to the cases selected for prosecution, and not the state of the Sudanese justice system as a whole. Accordingly, my Office continues to gather and assess information relating to the various mechanisms established by Sudanese authorities in relation to crimes allegedly committed in Darfur, including the special court for Darfur established by decrees issued on 7 and 11 June 2005.

It has been reported that, in November 2005, a decree was issued establishing two new special courts, to sit in Geneina and Nyala. Additional prosecutors and judges have been appointed to staff those courts. It has also been reported that the jurisdiction of the special court has been expanded to consider allegations of violations of international humanitarian law. The Government of the Sudan has renewed its commitment to allow access to the African Union and other international monitors. In addition, various other mechanisms and committees have been established to look at aspects of the crimes in Darfur, including centres for the elimination of violence against women and an attorney's office on crimes against humanity. The Government of the Sudan has also pointed to efforts to promote tribal reconciliation and to the proposed conference on Darfur scheduled to take place in December 2005 as efforts towards a comprehensive solution to the conflict.

However, the continuing insecurity in Darfur does not allow for an effective system for the protection of victims and witnesses. That has forced my Office to carry out investigations outside Darfur. It also represents a serious impediment to the conduct of effective investigations in Darfur by national judicial bodies. No one can call a witness in Darfur. Up until this point, the work of the special court does not suggest that cases likely to be prosecuted before the International Criminal Court will be inadmissible under the terms of article 53(2)(b) of the Statute. However, my Office will continue to follow closely all national proceedings.

In addition to the issue of admissibility, I am also required by the Rome Statute to consider whether a prosecution is not in the interest of justice. In considering that factor, I will follow the various national and international efforts to achieve peace and security, as well as the views of witnesses and victims of the crimes.

Resolution 1593 (2005) requires the Government of the Sudan and all other parties to the conflict in Darfur to cooperate fully with the Court and the Prosecutor. The resolution also urges other States and organizations, in particular the African Union, to cooperate fully. Since our last report to the Council, the Court has continued to press for the signing of the International Criminal Court-African Union relationship agreement, the text of which was finalized in May 2005. In addition, I have contacted the African Mission in Sudan in Khartoum and written to the Chairperson of the African Union to seek meetings with the relevant officials to discuss the modalities for cooperation with regard to Darfur, as well as to request an opportunity to brief the Peace and Security Council. The next phase of the investigation will be a decisive one, the success of which will require the full cooperation of the African Union. It is hoped that rapid progress in that relationship will be achieved in that phase.

The current reporting period has seen further steps in the implementation of the Comprehensive Peace Agreement, including the establishment, on 22 September 2005, of the new Government of National Unity. In the lead-up to that transition the Office of the Prosecutor did not make formal requests for assistance to the Sudan, but contacts with Sudanese authorities were maintained.

As I have set out in this statement, following the initiation of the investigation, my Office has gathered information and evidence from outside Darfur. During this initial fact-finding phase, it is vital that the Office develop a full understanding of the situation in Darfur and the context in which the alleged crimes took place.

In that regard, from 17 to 24 November 2005, representatives of my Office and the Registry of the ICC visited Khartoum to discuss matters related to the Lord's Resistance Army and the situation in Darfur. As part of the fact-finding process, during that visit a request for assistance was made to the Sudanese authorities to undertake several interviews that could provide an insight into the activities of all parties to the conflict in Darfur, as well as an assessment of national proceedings undertaken by the special courts and other relevant judicial bodies.

In response to that request, Sudanese officials have agreed to organize a visit to the Sudan by the end of February 2006 by representatives of my Office to meet with the special courts and other relevant judicial bodies in order to assess national proceedings in relation to alleged crimes committed in Darfur. In addition, officials also agreed that, in preparation for the other interviews, the Ministry of Defence would cooperate in establishing and submitting, by March 2006, a comprehensive report on matters to be identified in advance by us. By the time of submission of my report to the Council, I was still waiting for written confirmation of those practical arrangements by the Government of the Sudan. The Government of the Sudan has now provided us with that written confirmation.

We have also had contacts with other parties to the conflict, including the main rebel groups. Establishing consistent liaison with the Sudan Liberation Movement/Army has been hampered by divisions within the group. However, we continue to open channels and to offer an opportunity for all parties involved in the conflict to provide information and evidence to the Court during the next phase of the investigation.

The investigation of the situation in Darfur is taking place within a context of ongoing violence and multiple efforts to secure peace, as well as a complex process of political transition. The Office will continue to be sensitive to those dynamics and will seek to reinforce the work of the African Union, the United Nations, the Sudan and other States and organizations. At the same time, however, the Office is focusing on its own work and conscious of the fact that accountability for the most serious crimes alleged to have been committed in Darfur is an essential component to effective peace and effective transition.

Having made the first steps towards a cooperative relationship, during the next phase we will seek the further assistance and cooperation of the Government of the Sudan in relation to the process of fact-finding and evidence-gathering. We will keep the Council informed of developments and challenges that arise during the next phase.

The President: I thank Mr. Moreno-Ocampo for his briefing.

Now, in accordance with the understanding reached in the Council's prior consultations, I would invite Council members to a private meeting following the adjournment of this meeting.

The meeting rose at 10.35 a.m.

United Nations S/PV.5322

Security Council

Distr.: General
13 December 2005

Original: English

Official communiqué of the 5322nd (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Tuesday, 13 December 2005, at 10.45 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 5322nd meeting, held in private on 13 December 2005, the Security Council considered the item entitled 'Reports of the Secretary-General on the Sudan'.

"In accordance with the decision taken at the 5321st meeting, the President extended an invitation under rule 39 of the Council's provisional rules of procedure to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

"The members of the Council and Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, had an exchange of views after the briefing."

05-63945 (E) 131205

United Nations S/PV.5323

Security Council

Sixtieth year

Provisional

5323rd meeting

Tuesday, 13 December 2005, 3 p.m.

New York

President	Sir Emyr Jones Parry	(United Kingdom)
Members	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Zinsou
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	Denmark	Ms Løj
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Lancanilao
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Bolton

Agenda

The situation in the Middle East

Letter dated 12 December 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/775)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-63915 (E)

The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 12 December 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/775)

The President: I should like to inform the Council that I have received letters from the representatives of Lebanon and the Syrian Arab Republic, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Assaf (Lebanon) and Mr. Mekdad (Syrian Arab Republic) took seats at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Detlev Mehlis, Commissioner of the United Nations International Independent Investigation Commission.

There being no objection, it is so decided.

I invite Mr. Mehlis to take a seat at the Council table.

I welcome the presence among us this afternoon of the Secretary-General, Mr. Kofi Annan.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to photocopies of a letter dated 12 December 2005 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the United Nations International Independent Investigation Commission prepared pursuant to resolutions 1595 (2005) and 1636 (2005). The letter and its enclosure will be issued as a document of the Security Council under the symbol S/2005/775.

I now welcome Mr. Detlev Mehlis, Commissioner of the United Nations International Independent Investigation Commission, to whom I give the floor.

Mr. Mehlis: The United Nations International Independent Investigation Commission (UNIIIC), which was created pursuant to Security Council resolution 1595 (2005), has been through two mandate renewals. It issued its first report (S/2005/662) on 19 October and submitted its latest report to the Secretary-General on Sunday, 11 December, prior to the end of its mandate on 15 December.

The report reflects the outcome of the work the Commission has carried out since its last extension seven weeks ago. Security Council resolution 1636 (2005), which was adopted on 31 October, has been instrumental in helping our work. Indeed, if resolution 1595 (2005) gave executive authority to the Commission, resolution 1636 (2005) built on it, giving it further authority so as to enable it to move forward with the investigation on all its tracks and to attain its main objective: to help identify the perpetrators, sponsors, organizers and accomplices in the terrorist attack that killed former Prime Minister Rafik Hariri and 22 others on 14 February 2005, in Beirut.

In conformity with those resolutions, the Commission has pursued both existing and new lines of inquiry. It remained guided by the same principles of cooperation and information-sharing with the Lebanese security and judicial authorities. In that sense, one cannot but underscore the importance of the ever-closer links between the Commission and the Lebanese authorities in order to stay the course, with a steady pace in the investigation.

To date, the Commission has interviewed over 500 witnesses and has established, together with the Lebanese authorities, a list of 19 suspects. It has followed traces and leads developed since its inception and has focused on a number of promising tracks.

In the course of the investigation, it has become evident that the Commission is working mainly on two tracks: one Lebanese and one Syrian. On the Lebanese

track, the Commission has been able to resolve most impediments, thanks to the cooperation of the Lebanese authorities and their willingness to help and facilitate the Commission's work in all ways possible. It is the Commission's view that the convergence of many factors — such as the overhaul of the security apparatus, the arrest of four former security officials, among others, the expanded authority granted to the Commission through resolution 1636 (2005); and the ensuing interviews of Syrian suspects — has boosted the confidence and resolve of the Lebanese people and Government.

Despite the widespread apprehension that preceded the issuance of the Commission's October report and the anxieties that lingered afterwards, the security situation remained calm until yesterday's incident. In this respect, on behalf of the Commission, I would like to pay tribute to the memory of the victims of yesterday's bombing attack in Beirut. I would like to express my sincere condolences and my deepest sympathy to their families and friends. I met with Mr. Gebrane Tueni in order to interview him as a witness in the Hariri case, and it is very sad that he left us under such horrendous circumstances.

In parallel to the Lebanese track, the Commission has been trying hard to make headway on the Syrian track. The Commission's relations with the Syrian authorities have been marked by conflicting signals. It was not clear at all times who from the Syrian side is the privileged interlocutor of the Commission. This has caused confusion and delays.

I was here seven weeks ago in this very Chamber (see S/PV.5292), suggesting to the Syrian authorities that they carry out their own investigation into the assassination of Mr. Hariri. Resolution 1636 (2005), particularly its section III, set out a clear and unambiguous framework for Syria's work with the Commission, calling for full and unconditional cooperation. Yet, it has been after much hesitation and procrastination that the Syrian authorities finally agreed to move on the request to interview five Syrian officials whom the Commission considers as suspects, in Vienna and on conditions determined by the Commission. This took place only a week ago. At this rate, the investigation may take another year or two. Cooperation and good faith should be diligent and timely.

Yet the Syrian authorities did indeed make the five Syrian suspects available for questioning under conditions set out by the Commission. This latest development is undoubtedly an important stage in the investigation. The Commission has recorded the extensive interviews of the Syrian suspects, the statements have to be assessed, and new evidence has to be reviewed before leading to the questioning of new witnesses or suspects. Consequently, this might be the starting point of the much-sought-after cooperation of the Syrian authorities with the Commission. It remains to be seen whether Syrian cooperation will be in full and without any conditions.

In his letter dated 14 October 2005 (S/2005/651, annex), the Prime Minister of Lebanon requested, on behalf of the Lebanese Government, an extension of UNIIIC's mandate for another six months. The Commission supports that request and recommends such an extension, as set out in resolution 1636 (2005). However, the Commission cannot prejudge the actual length of the investigation it has been carrying out at the behest of the Lebanese Government. Many factors are to be taken into account. This has been and will remain, first and foremost, a Lebanese investigation.

The Commission should pursue its work as long as its assistance is needed and sought. Moreover, it cannot be overemphasized that the Syrian authorities are also responsible for the pace of the investigation, because this depends on the extent of their full and unconditional cooperation.

In conclusion, I wish to express my heartfelt thanks to all the parties, and particularly to the Secretary-General, for the enduring efforts they have exerted in order to help the Commission move ahead.

It is with regret that I shall be leaving the Commission as soon as a successor is appointed. I will, however, of course, remain available to help and assist whenever the need arises.

The President: I thank Mr. Mehlis for his briefing.

I now give the floor to the representative of Lebanon.

Mr. Assaf (Lebanon) (*spoke in Arabic*): First of all, Mr. President, I would like to thank you for having invited us to participate in this meeting. We express our gratitude for your efforts and those of the

Secretary-General, in following recent developments in the situation in my country.

I would also like to thank the United Nations International Independent Investigation Commission (UNIIIC), which is responsible for the inquiry into the assassination of former Prime Minister Rafik Hariri, as well as its head, Mr. Detlev Mehlis, for their enormous and effective professional efforts. These are reflected in the report submitted today.

We wish Judge Mehlis every success in his future tasks after his praiseworthy efforts in Lebanon. We hope that we can continue our constructive cooperation with his successor so that the investigation can proceed with the same energy and determination. That is vital, and it is the wish of all sectors of the Lebanese people.

We hope that, as we have requested, and in accordance with resolution 1636 (2005), the Security Council will decide to extend the mandate of the International Independent Investigation Commission for a renewable six-month period, according to the Commission's needs. The judicial and security bodies of Lebanon will continue their cooperation with the Commission. In that context, we invite all parties concerned to extend their genuine and rapid cooperation to the Commission, in accordance with Security Council resolutions 1595 (2005) and 1636 (2005), by shedding light on all aspects of that terrorist crime and punishing all the perpetrators in order to preserve the region's stability and security.

International precedents show that the best way to judge those involved in serious crimes of this nature is to establish an international tribunal so that justice can be delivered through fair trials free of pressure and obstacles. In accordance with paragraph 14 of Security Council resolution 1636 (2005), by which the Security Council expresses its readiness to consider any additional request for assistance from the Lebanese Government to ensure that all those responsible for the crime are held responsible, the Government of Lebanon today asked the Security Council to establish an international tribunal, which could have its seat either in or outside Lebanon, and which would try all those who, in the judgement of the Commission, were involved in the terrorist crime that claimed the lives of Prime Minister Rafik Hariri, Member of Parliament Bassil Fuleihan and their companions.

The series of terrorist acts has continued. The latest incident occurred yesterday, when Member of Parliament and journalist Mr. Gebrane Tueni was killed. We have seen that there is a link joining the terrorist crimes that began with the attempted assassination of Economy Minister Marwan Hamadeh on 1 October 2004. All those crimes have been thoroughly condemned by the Lebanese people. The Security Council too has condemned those crimes. Accordingly, the Government of Lebanon has requested in writing that the Security Council extend the mandate of the International Independent Investigation Commission established pursuant to resolution 1595 (2005) or that it establish another international investigation commission to help the Lebanese authorities in the current investigation of all other terrorist crimes, assassinations and attempted assassinations of political and media figures in Lebanon, starting with the attempted assassination of Mr. Marwan Hamadeh on 1 October 2004.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council for the current month. I thank you for giving us this opportunity to express the views of the Syrian Arab Republic concerning the second report of the International Independent Investigation Commission. Allow me also to express our appreciation to Mr. Andrey Denisov, Permanent Representative of the Russian Federation to the United Nations, and the members of his mission for their conduct of the work of the Council last month.

I would like to join you, Sir, in welcoming the presence of Secretary-General Kofi Annan, who is with us today at this meeting of the Security Council.

Allow me to start by reiterating once again Syria's condemnation of the operation that led to the assassination of the former Prime Minister of Lebanon, Mr. Rafik Hariri. I would also like to reiterate Syria's condemnation of the bombing that took place in a Beirut suburb yesterday, which took the life of Mr. Gebrane Tueni. Syria condemns the earlier series of bombings aimed at destabilizing Lebanon and creating tensions in the relations between Syria and Lebanon as well as the attempt to immediately blame those bombings on Syria. All those actions are part of a broader plan to destabilize the region as a whole.

Today's consideration of the second report of the International Independent Investigation Commission (S/2005/775) provides a further opportunity for Syria

to express its commitment to cooperating with the Commission. I would like to reiterate that Syria is making every possible effort to facilitate the task of the Commission so that it can discharge its mandate in the best possible manner.

In that context, we disagree with the imprecise statements contained in the Commission's report, referring to Syria's reluctance to fully cooperate with the Commission and its work. On the contrary, Syria has consistently and continuously communicated with the Commission. That is documented through the contacts and the exchanges between the two parties that ultimately led to a mutual understanding on the modalities for conducting the investigation in Vienna.

Contrary to the statement contained in paragraph 30 of the report, the special Syrian Judicial Commission, since its creation, has discharged its tasks in a professional and transparent manner. It has assisted the International Commission with all the investigations conducted in Syria and provided all the records, information and lists required. The Security Council can examine those details whenever it wishes to do so. The International Independent Investigation Commission's non-recognition of the Syrian Judicial Commission led to an undesirable delay. We had hoped that the International Commission would show interest in cooperating with the Syrian Judicial Commission. We would have liked to see constructive interaction between the two bodies in order speedily to attain the Council's objectives. The Syrian Judicial Commission will continue its work so that information from the International Commission can be made available to it, enabling it to fully discharge its mandate.

The rights of the States concerned in the investigation had to be clear, specific and consistent with the purposes and principles of the United Nations Charter and in conformity with the generally recognized principles of international law. I believe that the Commission did not maintain one of the investigation's most important principles — confidentiality. Its reports were consistently leaked to the media and were handled in a distorted and prejudiced manner. We do not believe that the members of the Security Council, when they voted to adopt resolution 1636 (2005), sought to encroach upon State sovereignty or to ignore the commitment to implement basic norms of human rights.

In order to reaffirm our desire to cooperate, we informed the International Independent Investigation Commission that the Minister for Foreign Affairs of the Syrian Arab Republic would welcome a meeting with the head of the Commission in Damascus or during an official visit to Europe. The understanding reached between the representatives of the Syrian Foreign Ministry and the Commissioner led to the Commission's agreement to implement the basic guarantees contained in international human rights conventions with respect to criminal proceedings. However, the Commission's investigators did not follow those principles in the interviews conducted in Vienna. That led the appointed British lawyers to write a letter to the Commissioner in which they cited several irregularities in the investigation. For example, the investigators summarized the interviewees' statements instead of making a verbatim record; the lawyers were not given official copies of the records; and the interviewees were not allowed to sign their statements in Arabic versions, but had to sign their statements transcribed in a language that they do not understand.

The report of the International Independent Investigation Commission essentially reaffirms the conclusions of the previous report, which were based on the presumption of guilt and the making of prejudged accusations. Therefore, the criticisms of the previous report also apply to this one.

The task of the Commission must be to seek out evidence and leads that will enable it to identify the perpetrators of the crime and to build on such evidence and leads in order to identify those who were involved in its planning, direction and implementation. In that regard, we would like to make the following basic comments.

First, the witness Hussam Taher Hussam arrived in Syria abruptly. He made some statements and clarifications to the international media of his own free will, recanting his previous testimony to the International Independent Investigation Commission. His statement was recorded by the Syrian Judicial Commission and its content was transmitted to the International Independent Investigation Commission. The International Commission could have summoned that witness to Vienna instead of continuing to rely on his previous testimony. There is no truth whatsoever to the report's statements that Mr. Hussam is being manipulated or intimidated and that some of his close

relatives in Syria were threatened and arrested before his public statement.

Secondly, we wonder why the Commission did not investigate the nature of Zuheir Saddik's movements between our region and certain European countries during the past few months, despite all the suspicions surrounding his testimony, which changed his status from that of a witness to that of a suspect, and despite the fact that he was arrested in France two months ago and is still being held. There has been no response thus far to the request for his extradition. The Syrian Embassy in Paris received a handwritten letter from him stating that he had been kidnapped and coerced to give his previous testimony, upon which the Commission continues to rely in its new report.

It is noteworthy that, as stated in paragraph 28 of the report, the Commission determined through an analysis of Mr. Saddik's DNA that a substantial part of his statement was false: namely, the part related to his purported attendance at meetings in an apartment in the Beirut suburb of Al-Dahiyye to plan the crime. Therefore, the Commission must conclude that the rest of his testimony is also false and invalid.

Thirdly, in the report, the Commission has not yet been able to determine how the Mitsubishi vehicle carrying the explosives arrived in Lebanon. The previous report assumed that it might have entered Lebanon through Syria on the basis of testimony given by witnesses who were proved to lack credibility: Zuheir Saddik and Hussam Hussam.

Fourthly, both reports referred to the possible presence of a third party, but the Commission did not attach due significance to that possibility, despite the fact that it is extremely important for the completion of the investigation.

We have commented on some of the basic issues covered in the report. We would like to make additional comments and observations, but time constraints do not allow us to do so. Here, I should like to reiterate once again that Syria, which has cooperated fully with the investigation during the recent period, is prepared to continue to do so in the forthcoming period.

Syria requests that the Council take into account the comments made in my statement. In addition, I would like to point out that Syria, which has fully implemented all the relevant United Nations resolutions, looks to the Security Council and its members to work with the same zeal and interest to ensure the implementation of Council resolutions relevant to the Middle East region.

The President: In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.50 p.m.

United Nations S/PV.5324

Security Council

Sixtieth year

Provisional

5324th meeting

Wednesday, 14 December 2005, 3 p.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Zinsou
	Brazil	Mr. Tarrisse da Fontoura
	China	Mr. Li Song
	Denmark	Mr. Faaborg-Andersen
	France	Mr. De Rivière
	Greece	Mrs. Papadopoulou
	Japan	Mr. Kitaoka
	Philippines	Mr. Cato
	Romania	Mr. Botangiu
	Russian Federation	Mr. Smirnov
	United Republic of Tanzania	Mrs. Taj
	United States of America	Mr. Bolton

Agenda

The situation in Cyprus

Report of the Secretary-General on the United Nations operation in Cyprus (S/2005/743 and Corr.1)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-64170 (E)

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Cyprus

Report of the Secretary-General on the United Nations operation in Cyprus (S/2005/743 and Corr.1)

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations operation in Cyprus, document S/2005/743 and corrigendum 1. Members of the Council also have before them document S/2005/784, which contains the text of a draft resolution. Although it was submitted by the United Kingdom of Great Britain and Northern Ireland, I would like to confirm that, after consultation with all members of the Council, there is now agreement that it should be a presidential text.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it.

I should like to inform the Council that, in my capacity as President of the Council, I have met with the representatives of the parties, who have confirmed to me that they maintain their well-known positions vis-à-vis the item on the Council's agenda. On the basis of those meetings, as President, and with the consent of the members of the Council, I have drawn the conclusion that the Council can proceed to take a decision on the draft resolution (S/2005/784) before it.

If I hear no objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Argentina, Benin, Brazil, China, Denmark, France, Greece, Japan, Philippines, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1642 (2005).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.15 p.m.

United Nations S/PV.5325

Security Council

Sixtieth year

Provisional

5325th meeting

Wednesday, 14 December 2005, 3.30 p.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	Denmark	Mr. Faaborg-Andersen
	France	Mr. Duclos
	Greece	Mr. Vassilakis
	Japan	Mr. Kitaoka
	Philippines	Mr. Lacanilao
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mr. Bolton

Agenda

The situation concerning Iraq

Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004) (S/2005/766)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-64194 (E)

The meeting was called to order at 3.30 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Iraq

Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004) (S/2005/766)

The President: I should like to inform the Council that I have received a letter from the representative of Iraq in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sumaida'ie (Iraq) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ibrahim Gambari, Under-Secretary-General for Political Affairs.

It is so decided.

I invite Mr. Gambari to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2005/766, containing the report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004).

At this meeting, the Security Council will hear briefings by Mr. Ibrahim Gambari, Under-Secretary-General for Political Affairs, and Mr. John Bolton, representative of the United States, on behalf of the multinational force.

I now give the floor to Mr. Gambari.

Mr. Gambari: The report before the Council details the work of the United Nations Assistance Mission in Iraq (UNAMI) from September to November 2005. Having accompanied the Secretary-General during his visit to Baghdad on 12 November, I am pleased to be able to brief the Council today on the work of our mission and to share some firsthand impressions of the challenges that the United Nations faces in Iraq as we move into 2006.

The Secretary-General's report comes as tomorrow's election is about to bring to a conclusion the political transition process outlined in resolution 1546 (2004). To have kept that process on track under very difficult conditions is testimony to the commitment of most Iraqis to participate in shaping their country's future through peaceful, democratic means. The growing strength of popular participation in the three polls held this year, which we very much encouraged, is a sign of the new political dynamic developing in Iraq, and it is a positive one.

Tomorrow's vote will provide a measure of the confidence that the Iraqi people are ready to place in their own future at a time when they continue to face formidable security, political and economic challenges. The United Nations once again encourages all Iraqis to exercise their democratic right to vote and appeals to all parties to refrain from violence or any action which could undermine the democratic process.

Of course, the process of political transition is far from complete. As the Secretary-General's report makes clear, the framework laid out in resolution 1546 (2004) was intended to promote national dialogue and reconciliation. In turn, that was intended to have a positive impact on the security situation. In fact, this has not occurred, and much remains to be done to develop a momentum within the political process that places emphasis on what the Iraqis have in common rather than on what divides them.

Iraq's political leaders know that the overwhelming majority of Iraq's citizens wish to live in a stable, peaceful and democratic Iraq. Under the auspices of the League of Arab States, a group of Iraq's political, social and religious leaders came together in Cairo from 19 to 21 November to discuss the need for national reconciliation and the development of confidence-building measures that will lessen tensions, reassert the aspirations which all Iraqi communities

share, and, no less important, agree that violence and negative external forces should have no place in Iraq's political life and future.

Although this was only a preliminary meeting, the conference showed that, given the right encouragement and space, Iraq's representatives could contribute substantively to a political process that draws back from civil strife and puts what Iraqis have in common ahead of ethnic and sectarian identities or differences.

We encouraged the Special Representative of the Secretary-General, Mr. Ashraf Jehangir Qazi, and his team to support the efforts of the League of Arab States and of its Secretary-General, Amre Moussa, in creating a forum in which real differences could be discussed in a meaningful way and a constructive manner. The Secretary-General has expressed the commitment of the United Nations to continue to work with the Arab League, the Government of Iraq and all the participants at the Cairo meeting to ensure that this initiative leads to a sustained process of dialogue and of reconciliation, in accordance with resolution 1546 (2004) and in full respect for Iraq's national sovereignty, political independence and territorial integrity.

After the election, a new political landscape will undoubtedly emerge in Iraq. All political initiatives will have to take account of that fact. We hope that the Council of Representatives will assemble at the earliest opportunity after the results have become clear and that the new Government will be formed as soon as possible thereafter. The United Nations encourages all of Iraq's elected representatives and its political leaders to do their utmost to speed up the formation of the administration, so that the positive momentum created by the election carries through to Iraq's new sovereign Government.

One of the most important tasks facing the new Council of Representatives will be to establish a Constitutional Review Commission and enable it to undertake its work in a credible and effective manner. The result of the constitutional referendum showed that a significant proportion of Iraqis could not support the draft constitution in its current format. The Cairo meeting showed that the basis for national consensus on difficult issues still remains. The United Nations remains confident, however, that consensus can be achieved on those points in the constitution on which agreement has not yet been reached. UNAMI therefore stands ready to continue to provide its assistance to the Council of Representatives and to the Constitutional Review Commission in the discharging of their duties.

Irrespective of the outcome of the election, the need for national dialogue and reconciliation is real, and so is the opportunity for Iraq's political constituencies to reach out to one another with a view to building their future together, through dialogue, mutual understanding and compromise. The United Nations stands ready to contribute to supporting that goal in a direct and practical way. Iraq's greatest asset is the diversity of its people, their skills and their shared history. We will continue to make every effort to help facilitate genuine political progress and promote greater understanding between Iraq's diverse communities. Dialogue and reconciliation will therefore be at the heart of United Nations activities in all areas of our mandate.

An important aspect of our work in that regard relates to the human rights situation, particularly in the light of increasingly disturbing reports in recent weeks. The Secretary-General has repeatedly drawn attention to the plight of human rights in Iraq, condemning terrorist, insurgent and paramilitary attacks against innocent civilians. He has repeatedly called on all sides to strictly observe their obligations under international humanitarian law. The United Nations High Commissioner for Human Rights has also been seized of the matter. The situation requires not only our continued attention but, more important, urgent action, particularly by the Iraqi authorities and by the multinational force.

In that regard, we welcome the commitment of the multinational force to take initial corrective steps, particularly with regard to the issue of detainees. We also urge the Iraqi Government to follow up on its announced actions to address that serious situation. For its part, UNAMI will continue to encourage all concerned to make every effort to ensure that the basic human rights of all Iraqis are respected and that both past and present abuses are addressed based on the rule of law and international obligations. The United Nations expects the full backing of the Security Council in implementing that important aspect of our mandate.

Equally important will be the ability of the new Government to deliver quickly on the real needs and

genuine expectations of the Iraqi people. After three years of dramatic change and decades of deprivation, Iraqis are still looking to their leaders for the tangible improvements necessary to better their everyday lives and to further stabilize their country. It is therefore in the interest of the region — particularly of Iraq's neighbours — and of the international community as a whole to continue to provide long-term support to Iraq. The Council has a special responsibility in that regard to help normalize Iraq's status as a full and respected member of the international community.

Upon his return from Baghdad, the Secretary-General had the opportunity to brief the Security Council on the exceptionally difficult conditions under which UNAMI operates in Iraq. While in resolution 1637 (2005) the Council reaffirmed the leading role of the United Nations in assisting Iraq with further political and economic development, it must be recognized that the capacity of the United Nations in Iraq depends on the commitment and support of States Members of the Organization.

In that regard, I am pleased to report that last week, on 8 December, I signed with Ambassador John Bolton the agreement between the United Nations and the United States, as the overall commander of the multinational force, concerning the establishment of security for UNAMI. That historic and important agreement formalizes the security arrangements that are already in place for the United Nations in Iraq. However, in order for UNAMI to remain effective and to expand its activities beyond Baghdad, it needs the Council's continued support and adequate resources. In that respect, the air assets necessary for moving into and around the country are critical for UNAMI's future deployment.

The United Nations has accompanied Iraq at every step of its transition thus far. The men and women of UNAMI, under the leadership of the Special Representative of the Secretary-General, Mr. Qazi, deserve our full admiration and support for their dedication and for the efforts they are making in the cause of peace. In accordance with its mandate, as circumstances permit and as requested, UNAMI is determined to continue to work for all the people of Iraq, in partnership with the Iraqi Government and with the full backing and support of the international community through the Security Council.

Mr. Bolton (United States of America): As mandated by resolution 1546 (2004), I am pleased to report to the Council, on behalf of the 30 countries making up the multinational force, on the major efforts and progress to fulfil its mandate. During this reporting period, at the request of the Iraqi Government, the Council unanimously extended that mandate until 31 December 2006.

We cannot and should not, given [illegible] violence and instability in Iraq. To do so would show disrespect to Iraqis, foreign and Iraqi, who have lost their lives fighting for a federal, democratic, pluralistic and unified Iraq. At the same time, however, we cannot dismiss Iraq's successful political transition or the strides made in training and equipping Iraq's security forces.

As at the run-up to the October referendum, there has been an increase in insurgent attacks leading up to tomorrow's elections. Insurgent attacks remain concentrated in four of Iraq's 18 provinces: Baghdad, Ninewa, Al Anbar and Salahaddin. Although about 80 per cent of all attacks are directed against the multinational force, about 80 per cent of all casualties are suffered by the Iraqi population. While attacks on Iraq's infrastructure account for a small portion of total attacks, they continue to have a significant impact on the Iraqi Government's oil revenue and provoke public dissatisfaction with essential services. Attacks on infrastructure have increased in this reporting period, but are below the historic highs of 2004.

Multinational force operations are coordinated with local officials, tribes and/or clerics. Those operations have disrupted key insurgent cells, limited insurgents' movement and facilitated progress in reconstruction and democracy-building. The dramatic increase in intelligence tips provided by the population in recent months has been crucial and indicates increasing popular rejection of the insurgents. In March 2005, Iraqi and multinational forces received more than 400 intelligence tips from Iraqi citizens. In August 2005, they received 3,300, and in September 2005 more than 4,700.

Despite persistent security challenges, significant progress has been made in wresting territory from enemy control. Due to multinational-force- and Iraqi-led operations, parts of Iraq previously under terrorist control are now under the control of the Iraqi Government. Furthermore, residents of those areas can participate freely in the political process, which continues to move forward. In rural Iraq, Iraqi and

multinational forces have worked to clear out hard core enemy elements, maintaining a security presence and building local institutions to advance local reconstruction and civil society.

The multinational force continues to work with the Iraqi Government to train and equip the Iraqi security forces (ISF). We have worked together to identify a force structure to meet Iraq's security needs, and we continually reassess force requirements based on current threats. The goal is to complete total force generation — which refers to institutional capacity — by August 2007. Despite repeated brutal attacks against ISF volunteers, recruiting continues to outpace demand, even as the ISF rapidly expands. Nor are those recruits only from the Shia and Kurdish communities, as some erroneously assert. In the past several months, nearly 5,000 recruits have joined from Sunni areas. As one senior military official has said, "Iraqi security forces are fighting hard. They are fighting well. They are not cracking under pressure. And they are making a tremendous contribution."

The ISF, which now numbers more than 214,000, continues to develop despite an insurgency actively attempting to disrupt the forces' development, destroy their infrastructure and equipment and intimidate recruits. Iraqis are taking on more of the fight, both in combat missions and follow-on operations, including bringing supplies, medical help and other services to return affected communities to normalcy.

Specific examples of Iraqi Ministry of Defence and Ministry of Interior forces progressing in their ability to take ownership of Iraqi security including the following.

Iraqi units are increasingly able to take the lead in combat operations against the insurgency. Ninety-seven Iraqi army and special operations battalions are conducting combat operations against the enemy. Of the 97 operational army and special operations units, 38 have the security lead, with multinational force support, or are fully independent. There are also 28 special police force battalions capable of combat operations.

The Iraqi security forces are assuming more battle space and preparing to assume command and control responsibilities at the division level. In June 2004, no Iraqi security force unit controlled territory. At present, Iraqi forces are responsible for security in Najaf, Karbala and much of Baghdad province. Other Iraqi battalions and brigades control hundreds of square miles of territory in other provinces with multinational force support and assistance. In September 2005, 11 Iraqi battalions participated in operations in Tal Afar, controlling their own battle space and outnumbering multinational forces for the first time in a major offensive operation. Over the last six months, the number of patrols being conducted independently by Iraqi forces has doubled, bringing the overall percentage to nearly a quarter of all patrols in theatre.

The number of operational units and individuals trained, equipped and formed has increased. More than 102,000 Ministry of Defence soldiers, sailors and airmen have been trained and equipped. In addition, 75,000 police and highway patrol officers have been trained and equipped. They work alongside 37,000 other Ministry of Interior forces for a total of approximately 112,000. Overall, that represents an approximate 12 per cent increase in Ministry of Defence and Ministry of Interior forces trained and equipped for counterinsurgency operations in the last five months.

However, while acknowledging all of that success, we must also acknowledge that the Iraqi forces are not yet ready to conduct independent operations unilaterally without the multinational force's assistance. The multinational force stands ready to continue to provide that assistance.

The distinct entities of the multinational force — notably the Georgians, Romanians and South Koreans — continue to provide security for the United Nations in Baghdad, Basra and Erbil, respectively. They provide static site security, reconnaissance, security patrols, convoy escorts, checkpoints, and, where necessary, MEDEVAC and emergency evacuation.

The United Nations contributions, most notably preparations for tomorrow's election, are vital. We urge the United Nations to continue to fulfil its mandate as per resolution 1546 (2004). Considerable work, including humanitarian and reconstruction assistance, remains to be done, and expansion is necessary for the United Nations Assistance Mission For Iraq (UNAMI) to do that work and fulfil its mandate. We are pleased, as Under-Secretary-General Gambari just said, to have signed last week a memorandum of understanding between the United States and the United Nations to codify the security arrangements for UNAMI currently in place.

Even with the progress I have outlined today, the multinational force and its Iraqi partners continue to face multiple challenges in the security sphere. Those include countering the intimidation and brutality of enemies who are not constrained by law or moral norms; building representative Iraqi security forces and institutions whose first loyalties are to the Iraqi Government; neutralizing the actions of such countries as Syria and Iran, which provide comfort and support to terrorists and the enemies of democracy in Iraq; understanding the composition of and relationships between terrorist and other enemy networks; addressing the militias and armed groups that are outside the formal security sector and central Government command; ensuring that the security ministries have the capacity to sustain Iraq's new army and police forces; and integrating political, economic and security tools — and synchronizing them with Iraqi Government efforts — to foster good and transparent governance, the rule of law, respect for human rights and the well-being of all Iraqi citizens.

The multinational force is serving its mandate and working with the Iraqi Government to build security and stability in Iraq. The force is helping the Iraqis develop police forces and combat units, as well as the elements necessary to manage, control and sustain them. It is moving towards fulfilling its mandate and it looks forward to the day when the Iraqis are able to assume full responsibility for the maintenance of security and stability in Iraq.

Lastly, I know I speak for all members of the multinational force and the Council in wishing Iraq a safe and successful election tomorrow. It is important that Iraq's election be transparent and inclusive. We urge all Iraqis to participate in the election to make their views known regarding the future of Iraq. We welcome the efforts of the Iraqis, the United Nations and other members of the international community that are enabling Iraqi citizens to participate in their political process.

The President: I now invite the representative of Iraq to take the floor.

Mr. Sumaida'ie (Iraq) (*spoke in Arabic*): We wish to thank you, Sir, for convening this meeting and for providing the delegation of Iraq with the opportunity to speak before the Council at a moment that marks a turning point in the modern history of my country.

Allow me to express first the appreciation of the Government of Iraq for the role played by the United Nations in my country in providing humanitarian assistance and development and reconstruction support and in helping to make the political process a success. I extend special thanks to Mr. Ashraf Qazi and the United Nations Assistance Mission for Iraq for their tireless efforts to that end, particularly their facilitation of consultations during the drafting of the constitution and the preparation of the electoral law. We also appreciate their contribution in the political arena in bringing together the different viewpoints of the various political forces in Iraq.

However, those successes do not mitigate the fact that the United Nations presence in Iraq remains inadequate. We seek an increase of United Nations personnel in order to facilitate communications with State institutions and civil society organizations and with the functions and programmes of United Nations agencies in Iraq.

Developments in the Iraqi political process are clearly proceeding on schedule, in accordance with paragraph 4 of Security Council resolution 1546 (2004). The constitutional referendum took place as scheduled on 15 October 2005. Tomorrow, all Iraqis will go to the polls to elect their representatives in the National Assembly. Recent achievements, particularly in the constitutional and political areas, would have been impossible without the great sacrifices made by the Iraqi people and the multinational forces that are helping the Government and the people to achieve political change. They would also have been impossible without the help of the United Nations.

We continue to face great challenges that will demand even more sacrifice and assistance. In the meanwhile, the terrorists have stepped up their violence and destruction, targeting the infrastructure and innocent people. They have sought to sow confusion and to incite civil war in order to block the political process leading to the emergence of an Iraq based on the new principles of democracy, multilateralism and federalism and in which power is exercised peacefully.

Following the most recent elections, the formation of the provisional Government, the drafting of the constitution and the creation of the presidential Government and Assembly institutions, it has become clear that the provisional Government should include

representatives from all walks of Iraqi life, including from parties that did not participate in the elections. We were largely successful, and we followed the same pattern in expanding the committee in charge of drafting the constitution, at which we were equally successful.

Our political approach seems more inclusive now. Following the Cairo Conference of 19 to 21 November, we will be able to absorb more parties, as long as they reject violence and declare their commitment to peaceful participation in the political process and governance.

By 15 December the first phase of the political process will have been completed, and a new process will start in Iraq, based on the principles adopted during the first phase with the adoption of the new Constitution, which had social, economic and political effects at the national and international levels. In the future, as it builds democracy and good governance and engages in reconstruction, Iraq will face the major challenge of terrorism, which is supported by organized crime. Iraq will have to defeat and completely eliminate terrorism. That cannot be achieved without the support of the international community, particularly the countries neighbouring Iraq.

Iraq is exposed daily to all kinds of indiscriminate acts of terrorism, which target people from all walks of life, including civilians, especially children, women and the elderly. Hospitals, places where travellers gather, markets, schools and mosques are attacked. All of those acts are carried out by people under the banner of false religious and nationalistic slogans. The whole purpose of such terrorist acts is to halt the process of the democratic change in Iraq, to return the country to the era of darkness and underdevelopment and to destroy the free, creative will of the people.

Iraq is committed to standing against terrorism. That commitment stems from the principles of tolerant Islam, true nationalism, humanity and freedom. Stability and progress cannot be achieved in Iraq without the elimination of terrorism. The Iraqi armed forces and the national police bear the main responsibility in standing against terrorism. The Iraqi security forces will be assisted by the multilateral force until they are capable of acting alone. That is why we are requesting an extension of the mandate of the multinational force.

In addition to combating terrorism, the main task faced by the Iraqi Government is reconstruction. The Government is making many efforts in this regard, and still greater efforts will be made by the new Government following the elections, particularly with respect to revitalizing the economy, rebuilding infrastructure and providing basic services for our citizens.

The Council is aware that Iraq's resources are limited at present. It is also aware of the level of economic, social and humanitarian destruction inherited from the collapsed regime of Saddam Hussein. The terrorist and criminal acts being perpetrated by the forces of darkness are blocking the economic rebirth of Iraq, which is therefore in dire need of international support. The international community has demonstrated its commitment, as shown at the Madrid donor conference and confirmed at the Brussels and Amman conferences. We believe that it is high time to speed up the implementation of those commitments in order to accelerate the domestic economic process, without squandering our resources on side issues. We want to break the cycle of violence and achieve stability.

The question of human rights violations in Iraq has recently been raised. Of course, we must stand courageously against that phenomenon. Yet we must put this in its proper context. What happened involves only a few individual cases, and does not represent systematic behaviour on the part of the Iraqi forces. It does not reflect the policy of the Government. The current leaders of Iraq were victims of gross violations of human rights under the previous regime, and the response of the Iraqi Government has been swift. The Government has established a commission to investigate the violations. Furthermore, the Iraqi Government has expressed its desire for international support with a view to developing its institutions in accordance with internationally accepted regulations and norms in the area of human rights and with a view to protecting those rights. It is cause for hope that Iraqi non-governmental organizations were the first to refer to those violations, which indicates those organizations' vitality in the field of human rights and reflects the democratic practices of the Iraqi people.

Iraq is now entering a new phase. It has adopted a permanent Constitution, based on democratic principles, that prohibits any activities aimed at producing or acquiring weapons of mass destruction. It

is high time for the Security Council to close its disarmament file on the previous regime. We must close the United Nations Monitoring, Verification and Inspection Commission file, which is not acceptable on any pretext. The new Iraq is looking for a new and clear position on the part of the Security Council that takes into consideration the resounding fact that the Iraq of today is not the Iraq of Saddam Hussein.

Every day, Iraqis are writing, in their own blood, the story of their heroism and steadfastness. That story will be a source of inspiration for the whole world — a shining beacon of hope in the march towards freedom. I have just returned from Baghdad, where there is a conflict between, on the one hand, terrorists and criminals who were nurtured by the first regime, as well as their counterparts from outside Iraq — and there are very few of them — and, on the other, the dreams of millions of brave children, men and women who face death without hesitation. Tomorrow, the whole world will hear the voice of hope sound loud and clear. Tomorrow, terrorism will finally be judged a failure.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 4.10 p.m.